



CICERO  
THE SPEECHES  
WITH AN ENGLISH TRANSLATION

IN CATILINAM I-IV—PRO MURENA  
PRO SULLA—PRO FLACCO

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## PREFATORY NOTE

Six of the seven orations contained in this volume are connected with one of the best known and least significant episodes in Roman history—the conspiracy of Catiline. They were delivered in the years 63 and 62 B.C. The seventh, *Pro Flacco*, was the last speech, now extant, made by Cicero before his banishment. Its date is 59 B.C.

The text used is as follows ·

*Against Catiline I-IV*, P. Reis ;  
*In behalf of Murena*, H. Kasten ;  
*In behalf of Sulla*, H. Kasten ;  
*In behalf of Flaccus*, L. Fruechtel.

Deviations from the text are given in the footnotes.

In translating all these speeches I have been much assisted by the notes of George Long, in the speech in behalf of Lucius Murena by those of Harold W. Johnston, in the speech in behalf of Publius Sulla by those of James S. Reid, and in the speech in behalf of Lucius Flaccus by those of Adolf du Mesnil.

An excellent account of the Catilinarian conspiracies may be found in the *Cambridge Ancient History*, Volume ix, pages 476-504 and in the *Roman Republic*, T. Rice Holmes, Volume i, pages 232-233. The appendix to the latter work, Volume 1, pages



## PREFATORY NOTE

445-450, 455-473, contains an admirable discussion of the chronology and the moot points

My most hearty thanks are due to the vigilant and unerring reader of Messrs. R. & R. Clark for many helpful suggestions.

A very brief bibliography of manuscripts and editions is added to the introduction to each speech.

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THE SPEECHES AGAINST LUCIUS  
SERGIUS CATILINE



## INTRODUCTION

LUCIUS SERGIUS CATILINE was born about 108 B.C. He belonged to an old but rather decadent aristocratic family. Even if his private life was not stained by all the crimes with which Cicero and Sallust charge him, it is still quite clear that among the gilded youth of Rome his debauchery and his excesses were conspicuous.

Catiline, after holding the quaestorship, was elected to the praetorship for the year 68. The next year he governed Africa as *propraetor* and returned to Rome in the summer of 66 to stand for the consulship. He was accused of extortion by his provincial subjects and was disqualified as a candidate by vote of the senate<sup>a</sup> while the trial was still pending.

Publius Autronius Paetus and Publius Cornelius Sulla were elected consuls for 65, but were convicted of bribery and disqualified. The consulship was held by their competitors, Lucius Aurelius Cotta and Titus Manlius Torquatus, the elder.<sup>b</sup> Catiline and Autronius now formed a conspiracy for the murder of Cotta and Torquatus. Vargunteius and

<sup>a</sup> Asconius, 80.

<sup>b</sup> Ascon. 66; Cic. *Pro Sulla*, 12. The latter reference makes it clear that Cotta's colleague was Torquatus, the elder.

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others joined the plot <sup>a</sup> which was organized December 5, 66 <sup>b</sup> The original intention was to attack the officers of state on January 1, but because the plot was discovered the attempt was postponed till February 5, 65 Catiline gave the signal for attack prematurely <sup>c</sup> and the affair was a fiasco. This was the "first conspiracy of Catiline." Publius Sulla, later defended by Cicero, was charged with complicity in this conspiracy

The consuls for 64 were Lucius Julius Caesar and Gaius Maecius Figulus.<sup>d</sup> Catiline had not been a candidate because he had not yet been acquitted of the charge of extortion during his governorship of Africa The acquittal he secured by bribery in time to stand for the consulship for the year 63.

There were seven candidates for the consulship for 63, Publius Sulpicius Galba, Lucius Sergius Catiline, Gaius Antonius Hybrida (the son of the great orator Marcus Antonius), Lucius Cassius Longinus, Quintus Cornificius, Gaius Licinius Sacerdos, and Marcus Tullius Cicero.<sup>e</sup> Catiline and Antonius combined forces against Cicero but he was elected largely by the support of the equestrian order. Antonius was the other successful candidate. Catiline at once announced that he would be a candidate again for the year 62.

Cicero was determined to prevent Catiline's election for the year 62. He first secured the assistance, or at least the neutrality, of Antonius by resigning to him the desirable province of Macedonia <sup>f</sup> which

<sup>a</sup> Cic. *Pro Sulla*, 68.

<sup>b</sup> Sall. *Cat.* xviii. 5.

<sup>c</sup> Sall. *Cat.* xviii. 6; Ascon. 83.

<sup>d</sup> Sall. *Cat.* xvii. 1.

<sup>e</sup> Ascon. 73.

<sup>f</sup> Sall. *Cat.* xxvi. 4.

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had been allotted to Cicero for the year succeeding his consulship. He bribed Fulvia, a courtesan "in whose presence an elated conspirator, Quintus Curius, counted his unhatched chickens," to keep him informed of Catiline's activities.<sup>a</sup> In late September, probably,<sup>b</sup> Cicero laid before the senate the details of Catiline's plot which aimed at seizure of the government and a cancellation of all debts.<sup>c</sup> The senate held a second meeting to discuss the situation the next day, postponing for the purpose the consular elections.<sup>d</sup> Catiline attended this meeting and in answer to Cicero's charges made a defiant address which should, says Cicero,<sup>e</sup> have been the cause of his instant death. Nothing, however, was done and the election resulted in another defeat for Catiline. Decimus Junius Silanus and Lucius Licinius Murena were elected. The latter was accused of bribery but was defended successfully by Cicero.

This final defeat brought Catiline to decisive action. He depended for assistance on the impoverished rabble in the city, on bands of gladiators in Campania,<sup>f</sup> on Piso in Spain and Sittius in Mauretania. His chief reliance was, however, in Manlius, who was to raise the standard of open revolt in Etruria at Faesulae. Learning that Manlius was to march on Rome October 27 (63 B C), and that Catiline was to begin the rising in the city the next day, with a general massacre of senators, Cicero

<sup>a</sup> Sall. *Cat.* xxvi 3. •

<sup>b</sup> See T. Rice Holmes, *Roman Republic*, vol. 1. p. 458. The moot points of the conspiracy are discussed pp. 445-450, 155-173.

<sup>c</sup> Cic. *Pro Mun.* 51.

<sup>d</sup> Cic. *l.c.*

<sup>e</sup> Cic. *l.c.*

<sup>f</sup> Cic. *Pro Sulla*, 53.



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convened the senate on October 21 and told them the details of the plot. A state of war in Italy was declared<sup>a</sup> and at a meeting the next day (October 22) the *senatus consultum ultimum*<sup>b</sup> was passed. This in effect put the city under martial law. How much authority it gave to the consuls was even then a matter of dispute. Cicero believed that acting under it he was justified in executing the conspirators in summary fashion<sup>c</sup>. Yet it was for the illegality of this very act that he was later banished.

Lucius Aemilius Paulus gave notice that he would prosecute Catiline<sup>d</sup> for breaking the peace. Catiline offered to give himself into the custody successively of Lepidus, Metellus Celer and finally Cicero himself. All refused him.<sup>e</sup> Manlius began operations according to schedule October 27. On November 6 Catiline held a meeting at the house of Marcus Porcius Laeca at which definite plans were adopted for murdering Cicero and seizing the city.<sup>f</sup> When, however, Gaius Cornelius and Lucius Vargunteius, who had volunteered to murder Cicero, arrived at his home before dawn on November 7,<sup>g</sup> they found that their plot was known. The doors were barred and they were refused admission. Cicero called an emergency meeting of the senate in the temple of Jupiter Stator the

<sup>a</sup> Cassius Dio, xxxvii. 33.

<sup>b</sup> Sall. *Cat.* xxix. 2; Cic. *Cat.* I. 4.

<sup>c</sup> Cic. *Cat.* I. 4.

<sup>d</sup> Sall. *Cat.* xxxi. 4.

<sup>e</sup> Cic. *Cat.* I. 19.

<sup>f</sup> Cic. *Cat.* I. 9; Sall. *Cat.* xxvii. 3; Cic. *Pro Sulla*, 52.

<sup>g</sup> Authorities are now generally agreed on this date. For a careful discussion of the evidence see T. Rice Holmes, *Roman Republic*, vol. i p. 461.

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next day (November 8) and denounced Catiline. This was the "First Oration against Catiline." Catiline attempted to answer Cicero but the senate refused to listen. That night he left Rome for Faesulae and the next day <sup>a</sup> (November 9) Cicero addressed the people in the "Second Oration against Catiline," explaining what had been done and what measures were being taken for the safety of the city. He seems to have convinced the people who had hitherto been inclined to sympathize with Catiline. Even the senate, which was very loath to act, could not refuse to declare Catiline a public enemy when it was convinced that he had reached the camp of Manlius and had assumed the regalia of a consul.<sup>b</sup>

The conspirators remaining at Rome determined to fire the city, murder as many aristocrats as they conveniently could, and then join Catiline, who was expected to be approaching Rome with Manlius's army.<sup>c</sup>

Cicero had, meanwhile, been vainly attempting to secure evidence that would induce the senate to take action. Till then his hands were tied and he was now further embarrassed by the accusation of bribery which was brought against Lucius Murena, the consul elect. His threatened disqualification would make the future of the state still more uncertain. Cicero defended Murena and won a brilliant victory.<sup>d</sup> Almost at the same time his good fortune presented him with the necessary evidence.

The Allobroges, a friendly transalpine tribe, had sent envoys to Rome in an effort to secure some alleviation from the Roman governor and the Roman

<sup>a</sup> Cic. *Cat.* II. 7.

<sup>c</sup> Sall. *Cat.* xxxix. 6.

<sup>b</sup> Cic. *Cat.* II. 13.

<sup>d</sup> Cic. *Pro Flacco*, 98.

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money-lenders.<sup>a</sup> It occurred to Lentulus, the leader of the conspirators<sup>a</sup> after Catiline's departure, that an alliance with this turbulent tribe might be profitable. So he began to sound them. At first they appear to have been genuinely interested. Soon, however, they lost confidence in the conspirators and seeing at the same time an opportunity to put the government under obligation to them, they opened negotiations with Cicero through Fabius Sanga,<sup>b</sup> then patron at Rome. The envoys were instructed to continue the negotiations with the conspirators and were guaranteed protection. Following instructions, they secured from the ringleaders, Lentulus, Cethegus, and Statilius, sworn promises given under their own seals. These letters were addressed to the leader of the Allobroges and the envoys were to deliver them on their return.

They left Rome on the night of December 2. With them went Volturcius carrying a letter from Lentulus to Catiline in which they urged him to enlist slaves in his army. By prearrangement Cicero had stationed two of the praetors, Lucius Valerius Flaccus<sup>c</sup> and Gaius Pomptinus, at the Mulvian bridge to intercept the envoys. The plan worked perfectly. The envoys surrendered at once and Volturcius, seeing that he was betrayed, gave himself up.<sup>d</sup> This was about 3 A.M., December 3.

Cicero refused to break the seals on the letters when they were delivered to him but took them unopened to the senate which met in the temple of Concord. The house of Cethegus was raided and

<sup>a</sup> Sall. *Cat.* xl. 1, 3.

<sup>b</sup> Sall. *Cat.* xli. 5.

<sup>c</sup> Defended by Cicero later in the *Pro Flacco*.

<sup>d</sup> Sall. *Cat.* xlv. 4.

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a large quantity of weapons discovered.<sup>a</sup> The conspirators were arraigned before the senate. They were forced to admit that the seals were genuine and the letters were read, completely establishing their guilt. Lentulus was forced to resign his office of praetor and he with the others was given into the custody of prominent senators. A thanksgiving was decreed in Cicero's name. This honour had never before been bestowed except on military leaders.<sup>b</sup>

After the meeting of the senate was over Cicero in the "Third Oration against Catiline" gave to the people assembled in the forum a detailed account of how the evidence against the conspirators had been secured. He now had their entire sympathy.<sup>c</sup>

The next day (December 4) the senate heard, and rejected as false, evidence that Crassus was concerned in the conspiracy. There was a suspicion that Caesar was supporting the conspirators, but no evidence of the truth of this has ever been produced. Rewards were voted to the envoys of the Allobroges and the conspirators who had been convicted the day before were declared public enemies.

On the morning of December 5 the senate met again in the temple of Concord under heavy guard to decide the fate of the prisoners.<sup>d</sup> Efforts to secure their release had been made and Cicero was taking no chances.

The main arguments in the debate on the fate of the prisoners have been preserved. When the consul-elect, Junius Silanus, was asked his opinion

<sup>a</sup> Cic. *Cat.* III 8

<sup>b</sup> Appian, *B. C.* ii 1, 7; Cic. *Cat.* III 15.

<sup>c</sup> Sall. *Cat.* xlviii 1

<sup>d</sup> Cic. *Cat.* IV. 14; Sall. *Cat.* i 3.

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by the presiding officer <sup>a</sup>—Cicero—he moved that the five conspirators then in custody, Lentulus, Cethegus, Statilius, Gabinius, Caeparius, should be put to death as well as four others if they should be apprehended. Muræna, the other consul-elect, and all the other senators agreed till Caesar, who spoke early because he was praetor-elect, was called upon. He proposed that the conspirators, instead of being put to death, should be distributed among the municipal towns for life imprisonment; their property was to be confiscated. To propose then release either to the senate or the people should render the author of such a proposal liable to be declared a public enemy. Caesar's speech was a plea for unimpassioned consideration of a subject that had aroused the fear and hatred of all his fellows. It was made with that marvellous lucidity for which he was famous and it had a telling effect.<sup>b</sup> As the roll was called so many senators assented to his

<sup>a</sup> The method of voting in the Roman senate was as follows: the presiding officer stated the business before the house. He then called on the senators for their opinions in the following order: consuls-elect (if the elections for the succeeding year had taken place), praetors-elect, aediles-elect, next the consuls, praetors, aediles then in office, then ex-consuls, ex-praetors, ex-aediles. The first senator called upon made a motion, the next senator could either agree or make another proposal, the third senator could either agree with the first senator, or the second senator, or he could make another motion. The process continued till all had been called upon. Theoretically there could be as many motions before the senate as there were senators present and no motion was out of order. When all had been heard, the presiding officer put to vote any of the motions he chose. If that was defeated he tried others till one received a majority vote.

<sup>b</sup> Dio, xxxvii. 36. 2; Plutarch, *Caes.* vii. 1.

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proposal that Cicero in his turn took the floor and delivered the "Fourth Oration" against Catiline." He summed up the arguments of Caesar and made it very clear that he favoured Silanus's proposal of death in spite of the danger it might bring on him. Tiberius Nero moved<sup>a</sup> that the prisoners be guarded till Catiline was defeated and more evidence obtained. Silanus then declared he would adhere to Nero's motion. It was quite clear that Cicero had lost control of the senate and that the conspirators would at the worst be condemned to life imprisonment. But when it came Cato's turn to express his opinion that uncompromising theorist ran true to form—always right and ever wrong. He argued for immediate execution and he carried the senators with him.<sup>b</sup> The best Caesar could do was to prevent the confiscation of their estates. The majority for the death penalty was overwhelming.<sup>c</sup>

That same evening (December 5) under the supervision of Cicero the five conspirators, Lentulus, Cethegus, Statilius, Gabinius, Caeparius, were strangled in the subterranean vault of the old prison—the Tullianum. When all was over Cicero delivered his briefest speech to the assembled citizens. He said, "*Vixerunt*," "They have lived."

Early in 62 Antonius came to grips with Catiline's forces near Pistoria. Outnumbered and ill-armed, Catiline's followers fought with desperation. They fell almost to a man, and all "with wounds in front"; Catiline "far in advance of his own forces with the

<sup>a</sup> Only Sallust (*Cat.* I. 4) and Appian (*B. C.* II. 1. 5) mention Nero's motion.

<sup>b</sup> Plut. *Cato Minor*, XLIII. 2.

<sup>c</sup> Cic. *Ad Att.* XII. 21. 1; Plut. *Cic.* XXI. 3.

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bodies of many of his foes all about him " <sup>a</sup> In reading Cicero's bitter invective it may be well to remember that in spite of rewards offered and amnesty proffered not a single man of all Catiline's followers deserted him, not one broke faith with him to give evidence against him <sup>b</sup>

<sup>a</sup> Sall. *Cat.* lxi 3, 4.

<sup>b</sup> Sall. *Cat.* xxxvi 5

## MANUSCRIPTS

THE manuscripts for the speeches against Catiline are numerous. Those on which Reis (Teubner text) and Clark (Oxford text) have most relied are:

Codex Clunacensis 498—now called Holkhamicus 387, 9th century. It has many lacunae.

Codex Ambrosianus C 29, 10th century.

Codex Vossianus Lat O 2, 11th century.

Codex Mediceus 45, 2, 13th century.

## EDITIONS

Text: P. Reis, Teubner, 1933; Clark, Oxford, 1905

Text with commentary (all the orations) in German, R. Klotz (1832) etc. in French G. Long (1851-58).

Text of the orations against Catiline with German commentary by R. Klotz, Leipzig, 1928. The English editions annotated for school use, many of them excellent, are too numerous to mention.



## ORATIO IN CATILINAM PRIMA

### HABITA IN SENATU

- 1 I. Quo usque tandem abutere, Catilina, patientia nostra ? Quam diu etiam furor iste tuus nos eludet ? Quem ad finem sese effrenata iactabit audacia ? Nihilne te nocturnum praesidium Palati, nihil urbis vigiliae, nihil timor populi, nihil concursus bonorum omnium, nihil hic munitissimus habendi senatus locus, nihil horum ora voltusque moverunt ? Patere tua consilia non sentis, constrictam iam horum omnium scientia teneri coniurationem tuam non vides ? Quid proxima, quid superiore nocte egeris, ubi fueris, quos convocaveris, quid consili ceperis, quem nostrum
- 2 ignorare arbitraris ? O tempora, o mores ! Senatus haec intellegit, consul videt ; hic tamen vivit. Vivit ? Immo vero etiam in senatum venit, filii publici consili particeps, notat et designat oculis ad caedem unum quemque nostrum. Nos autem fortes viri satis facere rei publicae videmur, si istius furorem ac tela

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\* To insure its safety the senate was meeting in the temple of Jupiter Stator—at the upper end of the forum—not in the senate-house.

## THE FIRST SPEECH AGAINST LUCIUS SERGIUS CATILINE

DELIVERED IN THE SENATE

I. IN heaven's name, Catiline, how long will you<sup>1</sup> abuse our patience? How long will that madness of yours mock us? To what limit will your unbridled audacity vaunt itself? Is it nothing to you that the Palatine has its garrison by night, nothing to you that the city is full of patrols, nothing that the populace is in a panic, nothing that all honest men have joined forces, nothing that the senate is convened in this stronghold,<sup>a</sup> is it nothing to see the looks on all these faces? Do you not know that your plans are disclosed? Do you not see that your conspiracy is bound hand and foot by the knowledge of all these men? Who of us do you think is ignorant of what you did last night, what you did the night before, where you were, whom you called together, what plan you took? What an age!<sup>2</sup> What morals! The senate knows these things, the consul sees them. Yet this man lives. Lives, did I say? Nay, more, he walks into the senate, he takes part in the public counsel. He singles out and marks with his glance each one of us for murder. But we, brave men indeed, seem to be doing our duty by the state if we avoid his fury and his shafts. You ought

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vitemus. Ad mortem te, Catilina, duci iussu consulis iam pridem oportebat, in te confecti pestem  
 3 quam tu in nos omnis iam diu machinaris. An vero vir amplissimus, P. Scipio, pontifex maximus, Ti Gracchum mediocriter labefactantem statum rei publicae privatus interfecit. Catilinam orbem terrae caede atque incendis vastare cupientem nos consules perferemus? Nam illa nimis antiqua praeterito, quod C. Servilius Ahala Sp. Maelium novis rebus studentem manu sua occidit. Fuit, fuit ista quondam in hac re publica virtus ut viri fortes acrioribus suppliciis civem perniciosum quam acerbissimum hostem coercerent. Habemus senatus consultum in te, Catilina, vehemens et grave; non deest rei publicae consilium neque auctoritas huius ordinis. nos, nos, dico aperte, consules desumus.

4 II. Decrevit quondam senatus uti L. Opimius consul videret ne quid res publica detrimenti caperet, nox nulla intercessit; interfectus est propter quasdam seditionum suspensiones C. Gracchus clarissimo patre, avo, maioribus, occisus est cum liberis M. Fulvius consularis. Simili senatus consulto C. Mario et L. Valerio consulibus est permissa res publica: num unum diem postea L. Saturninum tribunum plebis et C. Servilium praetorem mors ac rei publicae poena remorata est? At vero

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<sup>a</sup> *i.e.*, Publius Scipio Nasica, pontifex maximus in 133 B.C. Not one of the civil administrative officers—like the consuls—nor a military functionary.

<sup>b</sup> In a famine in 489 B.C. Maelius sold grain at a reduced price. He was suspected of doing so to win popular favour. When he did not appear promptly to answer charges preferred to Cincinnatus, the Dictator, he was murdered by Ahala.

<sup>c</sup> The *senatus consultum ultimum*. See Introduction, p. 6.

to have been led to death long ago by the consul's order, Catiline. That destruction which for a long time you have been planning for all of us ought to be visited on you yourself. Shall that distinguished 3 man, Publius Scipio, the pontifex maximus, though he was a private citizen,<sup>a</sup> have killed Tiberius Gracchus, who was only slightly undermining the foundations of the state, and shall we, who are consuls, put up with Catiline, who is anxious to destroy the whole world with murder and fire? For I pass over these precedents as too old, that Gaius Servilius Ahala<sup>b</sup> with his own hand killed Spurius Maelius, who was getting up a revolution. There was once, there was indeed in this state such courage that brave men suppressed a traitorous citizen with more severity than the most hated enemy. We have, Catiline, a decree of the senate against you, potent and stern.<sup>c</sup> The state does not lack the approval nor the support of this body. It is we, I say it openly, we, the consuls, who are lacking.

II. The senate once decreed<sup>d</sup> that Lucius Opi- 4 mius, the consul, should "take measures that the state might suffer no harm." Not a single night intervened. There was killed because of a vague suspicion of treason Gaius Gracchus, whose father, grandfather, and ancestors were most distinguished men. There was killed with his children Marcus Fulvius, an ex-consul. A similar decree of the senate<sup>e</sup> entrusted the state to Gaius Marius and Lucius Valerius, the consuls. Did death and the vengeance of the state have to wait a day for the punishment of Lucius Saturninus, the tribune of the people, and Gaius Servilius, the praetor? But we have now for twenty days been

<sup>a</sup> 121 B.C.<sup>e</sup> 100 B.C.

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coniurationis potest, si inlustrantur, si erumpunt omnia? Muta iam istam mentem, mihi crede, obhiviscere caedis atque incendiorum. Teneris undique; luce sunt clariora nobis tua consilia omnia, 7 quae iam mecum licet recognoscas. Meministine me a. d. XII. Kal. Nov. dicere in senatu fore in armis certo die, qui dies futurus esset a. d. VI. Kal. Nov., C. Manlium, audaciae satellitem atque administrum tuae? Num me fefellit, Catilina, non modo res tanta, tam atrox tamque incredibilis, verum, id quod multo magis est admirandum, dies? Dixi ego idem in senatu caedem te optimatum contulisse in a. d. V. Kal. Nov., tum cum multi principes civitatis Roma non tam sui conservandi quam tuorum consiliorum reprimendorum causa profugerunt. Num infitiri potes te illo ipso die meis praesidiis, mea diligentia circumclusum commovere te contra rem publicam non potuisse, cum tu discessu ceterorum nostra tamen qui remansissemus caede contentum te esse dicebas? 8 Quid? Cum te Praeneste Kal. ipsis Nov. occupaturum nocturno impetu esse confideres, sensistine illam coloniam meo iussu meis praesidiis, custodiis, vigiliis esse munitam? Nihil agis, nihil moliris, nihil cogitas quod<sup>1</sup> ego non modo audiam sed etiam videam planeque sentiam.

IV. Recognosce mecum tandem noctem illam superiorem; iam intelleges multo me vigilare acrius ad salutem quam te ad perniciem rei publicae. Dico te priore nocte venisse inter falcarios—non

<sup>1</sup> non added by Halm

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<sup>a</sup> For the chronology of the conspiracy see the Introduction.  
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walls confine the voices of your conspiracy, if they are patent, if all burst into view? Abandon now that foul plan of yours, be persuaded by me, forget your murder and arson. You are encompassed on all sides; all your plans are clearer to us than the light of day. You may now recall them with me. Do you remember that I said in the senate on the 7 twenty-first of October that Gaius Manhus, a tool and a slave of your bold scheme, would be in arms on a particular day and that that day would be the twenty-seventh of October? Was I wrong, Catiline, in asserting a thing so crucial, so criminal, so unbelievable, but, what was much more surprising, was I mistaken in the day? I also said in the senate that you had postponed till the twenty-eighth of October the slaughter of the influential citizens though by that time many of the chief men of the state had fled from Rome, not so much to save themselves, as to thwart your plans. Can you deny that, on that very day, shut in by my guards, and by my foresight, you could not move against the state, when you said that, in spite of the departure of the others, you would still be content with killing us who had remained? When you thought that by a night attack 8 you would seize Praeneste actually on the first of November, did you know that that colony was fortified at my command by my guards, my forces, and my troops? You do nothing, you attempt nothing, you think of nothing which I do not hear and see and understand plainly.

IV Review with me now the events of the night before last.<sup>a</sup> Now you will know that I watch much more vigilantly for the safety of the state than you do for its destruction. I say that the night before last you came into the Street of the Scythe-makers (I

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agam obscure—in M. Laecae domum; convenisse eodem compluris eiusdem amentiae scelerisque socios. Num negare audeſ? Quid taces? Convincam, si negas. Video enim esse hic in senatu quosdam qui  
9 tecum una fuerunt. O di immortales! Ubinam gentium sumus? Quam rem publicam habemus? In qua urbe vivimus? Hic, hic sunt in nostro numero, patres conscripti, in hoc orbis teriae sanctissimo gravissimoque consilio, qui de nostrum omnium interitu, qui de huius urbis atque adeo de orbis terrarum exitio cogitent. Hos ego video consul et de re publica sententiam rogo, et quos ferro trucidari oportebat eos nondum voce volnero! Fuisti igitur apud Laecam illa nocte, Catilina, distribuisti partis Italiae, statuisti quo quemque proficisci placeret, delegisti quos Romae relinqueres, quos tecum educeres, discripsisti urbis partis ad incendia, confirmasti te ipsum iam esse exituum, dixisti paulum tibi esse etiam nunc morae, quod ego viverein. Reperti sunt duo equites Romani qui te ista cura liberarent et se illa ipsa nocte paulo ante lucem me  
10 in meo lecto interfecturos esse pollicerentur. Haec ego omnia vixdum etiam coetu vestro dimisso comperi; domum meam maioribus praesidiis munivi atque firmavi, exclusi eos quos tu ad me salutatum mane miseras, cum illi ipsi venissent quos ego iam multis ac summis viris ad me id temporis venturos esse praedixeram.

## IN CATILINAM I, iv. 8-10

will not deal in general terms), you came to the house of Marcus Laeca ; to the same place came many of your allies animated by the same madness and wickedness. You do not dare to deny it, do you ? Why are you silent ? I will convict you if you do deny For I see here in the senate some who were there with you. O ye immortal gods ! Where in the world are we ? What sort of a commonwealth do we possess ? In what city are we living ? Here, here in our very midst, Conscript Fathers, in this most sacred and dignified council of the whole world, are men who plan for the destruction of all of us, who plan for the destruction of this city and even the destruction of the whole world ! I, the consul, see them and I consult them on affairs of state, and those who ought to have been slain by the sword I do not yet wound even with my voice ! You were, then, at the house of Laeca on that night, Catiline, you apportioned the parts of Italy, you determined where you wished each man to go, you selected those whom you would leave at Rome, those whom you would take with you, you parcelled out the parts of the city to be burned, you averred that you yourself would go presently, you said that you would be delayed a little while because I still lived. Two Roman knights were found who would relieve you of that anxiety and they promised that they would kill me on my couch that very night a little before dawn I learned all these things almost 10 before your council was dismissed ; I fortified and strengthened my home with more numerous guards, I refused admittance to those whom you had sent to salute me in the morning, for those very men did come whose coming at that hour I had already foretold to many eminent gentlemen.



V Quae cum ita sint, Catilina, perge quo coepisti, egredere aliquando ex urbe; patent portae: proficiscere Nimum diu te imperatorem tua illa Manliana castra desiderant. Educ tecum etiam omnis tuos, si minus, quam plurius; purga urbem. Magno me metu liberabis, modo inter me atque te minus intersit Nobiscum versari iam diutius non potes; non feram, non patiar, non sinam.

- 11 Magna dis immortalibus habenda est atque huic ipsi Iovi Statoni, antiquissimo custodi huius urbis, gratia, quod hanc tam taetram, tam horribilem tamque infestam rei publicae pestem totiens iam effugimus. Non est saepius in uno homine summa salus periclitanda rei publicae. Quam diu mihi consuli designato, Catilina, insidiatus es, non publico me praesidio sed privata diligentia defendi. Cum proximis comitiis consularibus me consulem in campo et competitores tuos interficere voluisti, compressi conatus tuos nefarios amicorum praesidio et copiis nullo tumultu publicae concitato; denique, quotienscumque me petisti, per me tibi obstiti, quamquam videbam perniciem meam cum magna  
12 calamitate rei publicae esse coniunctam. Nunc iam aperte rem publicam universam petis; templa deorum immortalium, tecta urbis, vitam omnium civium, Italiam totam ad exitium et vastitatem vocas. Quare, quoniam id quod est primum, et quod huius imperi disciplinaeque maiorum proprium est, facere nondum audeo, faciam id quod est ad severitatem lenius, ad communem salutem utilius. Nam si te interfici iussero, residebit in  
24

V. Since this is the situation, Catiline, go whither you had intended, depart at last from the city ; the gates are open ; get on your way ! That camp you share with Manlius has awaited you, its commander, for all too long a time. Take with you all these friends of yours, if not all, then as many as you can ; purge the city. I shall be free from my great fear only if there is a wall between us. You cannot now remain with us longer ; I will not bear it, I will not tolerate it, I will not permit it.

Great thanks are due to the immortal gods and 11 especially to Jupiter Stator here, the most ancient custodian of this city, because we have already so often escaped this curse of the state, so foul, so horrible, so deadly. The safety of the state ought not to be imperilled too often by one man. While I was consul-elect, Catiline, and you lay in wait for me, I defended myself, not by a public guard, but by my own caution. When, at the last consular elections, you wished to kill me and your competitors in the Campus Martius, I foiled your wicked attempt by the resources and protection of my friends without arousing any public disturbance ; in a word, as often as you threatened me I thwarted you by my own efforts, although I saw that my death would bring a great calamity upon the state. Now you are attack- 12 ing openly the whole state, you call for the destruction and devastation of the temples of the immortal gods, the dwellings of the city, the lives of all the citizens, and all Italy. Therefore, since I do not as yet dare to do that which is most important and which most befits this government and our traditions, I will do this which is more lenient in point of severity and more useful as regards the common safety. For if I shall have ordered you to be killed,

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re publica reliqua coniuratorum manus; sin tu, quod te iam dudum horior, exieris, exhauietur ex urbe tuorum comitum magna et perniciosa sentina  
 13 rei publicae Quid est, Catilina? Num dubitas id me imperante facere quod iam tua sponte faciebas? Exire ex urbe iubet consul hostem Interrogas me, num in exilium? Non iubeo sed, si me consulis, suadeo.

VI Quid est enim, Catilina, quod te iam in hac urbe delectare possit? In qua nemo est extra istam coniurationem perditorum hominum qui te non metuat, nemo qui non oderit Quae nota domesticae turpitudinis non inusta vilae tuae est? Quod privatarum rerum dedecus non inhaeret infamiae? Quae libido ab oculis, quod facinus a manibus umquam tuis, quod flagitium a toto corpore afuit? Cui tu adolescentulo quem corruptellarum inlecebris inretisses non aut ad audaciam  
 14 ferrum aut ad libidinem facem praetulisti? Quid vero? Nuper cum morte superioris uxoris novis nuptiis domum vacuefecisses, nonne etiam alio incredibili scelere hoc scelus cumulasti? Quod ego praetermitto et facile patior sileri, ne in hac civitate tanti facinoris immanitas aut exstitisse aut non vindicata esse videatur. Praetermitto rumas fortunarum tuarum quas omnis impendere tibi proximis Idibus senties; ad illa venio quae non ad privatam ignominiam vitiorum tuorum, non ad domesti-

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<sup>a</sup> Catiline's charm for young men is described by Sallust, *Cat.* xiv. 5-7

<sup>b</sup> The first day of the month (Kalends) and the thirteenth

# IN CATILINAM I, v. 12—vi. 14

there will remain in the state the rest of your conspirators . but if you leave the city, as I have long been urging, the city will be drained of the abundant and pestilent bilge-water of the state—your accomplices What is wrong, Catiline ?\* You do not hesi- 13  
tate, do you, to do at my command what you were already about to do of your own accord ? The consul bids a public enemy leave the city. You ask me, “ Is it to be exile ? ” I do not order that but if you ask my opinion, I advise it

VI. For what, Catiline, can please you now in this city where there is no one, except your fellow-conspirators—ruined men—who does not fear you, no one who does not hate you ? What stigma of disgrace is not branded on your private life ? What dishonour in personal relations does not cling to your ill fame ? What lust has not stained your eyes, what crime has not stained your hands, what corruption has not stained your whole body ? To what youth whom you had ensnared by the allurements of your seduction have you not furnished a weapon for his crimes or a torch <sup>a</sup> to kindle his lust ? What then ? 14  
When lately you had made room in your home for a new marriage by murdering your former wife, did you not add to this crime another incredible crime ? I do not describe this and I am glad to let it be passed in silence, lest it be thought that the enormity of so great a crime has either existed in this state or has escaped punishment. I pass over in silence the complete ruin of your fortune which you will feel threatening you upon the thirteenth of this month <sup>b</sup> ; I come to those things which have to do, not with your private scandals and shame, not with the sordid (or fifteenth) (Ides) were the regular days for paying—or failing to pay—bills.

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cam tuam difficultatem ac turpitudinem sed ad  
summam rem publicam atque ad omnium nostrum  
15 vitam salutemque pertinent Potestne tibi haec  
lux, Catilina, aut huius cæli spiritus esse iucundus,  
cum scias esse horum neminem qui nesciat te prid  
Kal. Ian. Lepido et Tullo consulibus stetisse in  
comitio cum telo, manum consulum et principum  
civitatis interficiendorum causa paravisse, sceleri  
ac furori tuo non mentem aliquam aut timorem  
tuum sed fortunam populi Romani obtitisse?  
Ac iam illa omitto—neque enim sunt aut obscura  
aut non multa commissa postea—: quotiens tu  
me designatum, quotiens vero consulem interficere  
conatus es! Quot ego tuas petitiones ita comectas  
ut vitari posse non viderentur parva quadam de-  
clinatione et, ut aiunt, corpore effugi! Nihil agis,  
nihil adsequeris neque tamen conari ac velle desistis.  
16 Quotiens iam tibi extorta est ista sica de manibus,  
quotiens excidit casu aliquo et elapsa est! Tamen  
ea carere diem unum non potes. Quae quidem  
quibus abs te initiata sacris ac devota sit nescio,  
quod eam necesse putas esse in consulis corpore  
defigere.

VII Nunc vero quae tua est ista vita? Sic  
enim iam tecum loquar, non ut odio permotus  
esse videar, quo debeo, sed ut misericordia quae  
tibi nulla debetur. Venisti paulo ante in senatum.  
Quis te ex hac tanta frequentia, tot ex tuis amicis  
ac necessariis salutavit? Si hoc post hominum  
memoriam contigit nemini, vocis exspectas contu-  
meliam, cum sis gravissimo iudicio taciturnitatis

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<sup>a</sup> 66 B.C.

<sup>b</sup> It was unlawful for a citizen to carry arms within the city.

tangle of your personal affairs but with the highest interests of the state and with the life and safety of us all. Can this light, Catiline, or the breath of this 15 air be pleasing to you when you are aware that all these men know that you, on the last day of December in the consulship of Lepidus and Tullus,<sup>a</sup> took your place in the assembly aimed,<sup>b</sup> that you had prepared a band to kill the consuls and the chief citizens of the state, and that no pity nor fear on your part checked your crime and your madness, but the good fortune of the Roman people? But those crimes I do not mention, for they are not unknown and many have been committed since that time—how often did you attempt to kill me when I was consul-elect and how often after I was consul! How many of your thrusts, so aimed that they seemed unavoidable, I escaped by a slight movement and a dodge, as they call it! You gain nothing, you accomplish nothing, and still you do not cease trying and hoping. How often already has that dagger 16 been struck from your hands, how often has it fallen by some chance and slipped! Still you cannot bear to be deprived of it for a single day. I do not know what sacrifices you made to hallow and consecrate it because you thought that you must plunge it into the body of a consul!

VII. But now what is this life of yours? For I shall speak to you, so that men may feel I am swayed, not by hatred, as I ought to be, but by pity, none of which is due you. You came a little while ago into the senate. Who among all your many friends and relatives saluted you? If such treatment has been accorded to no one within the memory of man, do you await the condemnation of the spoken word when you have been crushed by this most significant ver-

oppressus? Quid, quod adventu tuo ista subsellia vacuefacta sunt, quod omnes consulares qui tibi persaepe ad caedem constituti fuerunt, simul atque adsedisti, partem istam subselliorum nudam atque inanem reliquerunt, quo tandem animo tibi ferendum putas? Servi mehercule mei si me isto pacto metuerent ut te metuunt omnes cives tui, domum meam relinquendam putarem tu tibi urbem non arbitraris? Et si me meis civibus iniuria suspectum tam graviter atque offensum viderem, carere me aspectu civium quam infestis omnium oculis conspici mallet. tu cum conscientia scelerum tuorum agnoscas odium omnium iustum et iam diu tibi debitum, dubitas quorum mentis sensusque vulneras, eorum aspectum praesentiamque vitare? Si te parentes timerent atque odissent tui neque eos ratione ulla placare posses, ut opinor, ab eorum oculis aliquo concederes. Nunc te patria quae communis est parens omnium nostrum odit ac metuit et iam diu nihil te iudicat nisi de parricidio suo cogitare: huius tu neque auctoritatem verebere

18 nec iudicium sequere nec vim pertimesces? Quae tecum, Catilina, sic agit et quodam modo tacita loquitur: "Nullum iam aliquot annis facinus exstitit nisi per te, nullum flagitium sine te. Tibi uni multorum civium necesse, tibi vexatio direptioque sociorum impunita fuit ac libera; tu non solum ad neglegendas leges et quaestiones verum etiam ad evincendas perfringendasque valuisti. Superiora illa, quamquam ferenda non fuerunt, tamen ut potui tuli; nunc vero me totam esse in metu propter unum te, quicquid increpaverit, Catilinam timeri,

dict of silence ? What of the fact that at your coming all those near-by seats were deserted, that all the ex-consuls whom you have often marked out for murder left all that area of seats vacant and unoccupied as soon as you took your place—with what feelings do you think you ought to bear this ? By Hercules, if 17 my slaves feared me as your fellow-citizens fear you I should think I must leave my house ; do you not think you ought to leave the city ? If I thought that I was so grievously suspected even unjustly, and that I was so offensive to my fellow-citizens, I should prefer not to be seen by my fellow-citizens rather than to encounter the hostile eyes of all ; *you* know because you are conscious of your crimes that the hatred of all toward you is just and long due. Do you hesitate to avoid the eyes and the presence of those whose minds and sensibilities you are torturing ? If your parents hated and feared you and you could not be reconciled to them in any way, you would, I think, withdraw somewhere from their gaze. Now your native country, the mother of us all, hates you and fears you and decides that you have had no single thought for a long time save for her destruction. Will you neither revere her authority, nor obey her judgements, nor fear her power ? She, Catiline, thus 18 confers with you and, as it were, though silent, speaks : “ No crime for some years now has come into existence except through you, no outrage without you ; you alone have killed many citizens, harried and despoiled the allies unpunished and free ; you have been able not only to neglect the laws and the courts but even to thwart and destroy them. I endured as I could those earlier deeds, although they ought not to have been borne, but now that I should be wholly in fear on account of you alone, that, at



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nullum videri contra me consilium iniri posse quod a tuo scelere abhorreat non est ferendum. Quam ob rem discede atque hunc mihi timorem cripe; si est verus, ne opprimar, sin falsus, ut tandem aliquando timere desinam."

19 VIII. Haec si tecum ita ut dixi patria loquatur, nonne impetrare debeat, etiamsi vim adhibere non possit? Quid, quod tu te in custodiam dedisti, quod vitandae suspicionis causa ad M'. Lepidum te habitare velle dixisti? A quo non receptus etiam ad me venire ausus es atque ut domi meae te adservarem rogasti. Cum a me quoque id responsum tulisses, me nullo modo posse isdem parietibus tuto esse tecum, qui magno in periculo essem, quod isdem moenibus contineremur, ad Q. Metellum praetorem venisti. A quo repudiatus ad sodalem tuum, virum optimum, M. Metellum, demigrasti quem tu videlicet et ad custodiendum te diligentissimum et ad suspicandum sagacissimum et ad vindicandum fortissimum fore putasti. Sed quam longe videtur a carcere atque a vinculis abesse debere qui se ipse iam dignum custodia iudicavit?

20 Quae cum ita sint, Catilina, dubitas, si emori aequo animo non potes, abire in aliquas terras et vitam istam multis suppliciis iustis debitisque ereptam fugae solitudinique mandare? "Refer," inquis, "ad senatum"; id enim postulas et, si hic ordo placere sibi decreverit te ire in exsilium,

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<sup>a</sup> The identity of this Metellus is uncertain. Perhaps the reading should be *Quintum Metellum*, i.e., Quintus Metellus Nepos. See *Proceedings American Philological*

the slightest sound, Catiline should be feared, that no plan, it seems, can be undertaken against me uninspired by your villainy, that is not to be borne. Therefore depart and free me from this terror; if it is well founded, that I may not be overwhelmed; if it is false, that now at last I may cease to fear."

VIII. If our country speaks to you thus, as I have 19 said, ought she not to obtain her request, even though she cannot use force? What of the fact that you gave yourself into voluntary custody, that you said that you wished to live at the home of Manius Lepidus, to avoid suspicion? When he would not receive you, you dared to come even to me and ask me to protect you in my home. From me also you got the answer that I could in no way be safe within the same house-walls with you, since I was in great peril because we were encompassed by the same city walls, you came to the home of Quintus Metellus, the praetor. When he repulsed you, you moved on to that boon companion of yours, that noble gentleman, Marcus Metellus<sup>a</sup>; because of course you thought that he would be most careful to guard you, most shrewd to suspect others, and most brave to defend you. But how far do you think a man should be away from prison and chains who already judges himself worthy of custody?

Since these things are so, Catiline, do you hesitate, 20 if you cannot die with a mind at ease, to go to some other land and devote that life of yours, rescued from many just and long deserved penalties, to exile and solitude? Refer the matter, you say, to the senate; for you demand this and if this body votes that you

*Association*, vol. lxxv, p 271. Quintilian quotes this passage as an example of irony.

- obtemperaturum te esse dicis. Non referam, id quod abhorret a meis moribus, et tamen faciam ut intellegas quid hi de te sentiant. Egredere ex urbe, Catilina, libera rem publicam metu, in exsilium, si hanc vocem expectas, proficiscere. Quid est? Ecquid attendis, ecquid animadvertis horum silentium? Patiuntur, tacent. Quid expectas auctoritatem loquentium, quorum voluntatem tacitorum
- 21 perspicis? At si hoc idem huic adolescenti optimo, P. Sestio, si fortissimo viro, M. Marcello, dixissem, iam mihi consuli hoc ipso in templo senatus iure optimo vim et manus intulisset. De te autem, Catilina, cum quiescunt, probant, cum patiuntur, decernunt, cum tacent, clamant, neque hi solum quorum tibi auctoritas est videlicet cara, vita vilissima, sed etiam illi equites Romani, honestissimi atque optimi viri, ceterique fortissimi cives qui circumstant senatum, quorum tu et frequentiam videre et studia perspicere et voces paulo ante exaudire potuisti. Quorum ego vix abs te iam diu manus ac tela contineo, eosdem facile adducam ut te haec quae vastare iam pridem studeas relinquentem usque ad portas prosequantur.
- 22 IX. Quamquam quid loquor? Te ut ulla res frangat, tu ut umquam te conligas, tu ut ullam fugam meditare, tu ut ullum exsilium cogites? Utinam tibi istam mentem di immortales duint! Tametsi video,

should go into exile you say that you will obey. I will not refer it; that does not accord with my practice, and still I will so act that you may know what these men think of you. Leave the city, Catiline, free the state from fear; into exile, if you are waiting for this word, go. What is it, Catiline? What are you waiting for? Do you notice at all the silence of these men? They approve it, they are silent. Why do you await the spoken word when you see their wish silently expressed? But if I had 21 said this same thing to that excellent youth, Publius Sestius, if I had said it to that bravest of men, Marcus Marcellus, upon me, the consul, the senate with most just cause would have laid violent hands in this very temple. In your case, however, Catiline, when they say nothing they express their approval; their acquiescence is a decree. By their silence they cry aloud. And this is true not only of these men whose authority is, forsooth, dear to you, whose lives are most cheap, but also those most honourable and noble Roman knights, and the other brave citizens who are standing around the senate. You could see the crowd of them, their zeal you could perceive, and their voices you could hear a little while ago. For a long time with difficulty I have kept their hands and their weapons from you, I will easily persuade them to accompany you as far as the city gates when you leave all that you so long have desired to destroy.

IX. And yet why do I talk? As if anything could 22 move you, as if you could ever pull yourself together, as if you had contemplated flight, as if you had any thought of exile! Would that the immortal gods might incline you to that purpose! And yet I see,

si mea voce perterritus ire in exsilium animum indueris, quanta tempestas invidiae nobis, si minus in praesens tempus recenti memoria scelerum tuorum, at in posteritatem impendeat. Sed est tanti, dum modo tua ista sit privata calamitas et a rei publicae periculis seiungatur. Sed tu ut vitis tuis commovere, ut legum poenas pertimescas, ut temporibus rei publicae cedas non est postulandum. Neque enim is es, Catilina, ut te aut pudor unquam a turpitudine aut metus a periculo aut ratio a furore re-

23 vocarit. Quam ob rem, ut saepe iam dixi, proficiscere ac, si mihi inimico, ut praedicas, tuo conflare vis invidiam, recta perge in exsilium: vix feram sermones hominum, si id feceris; vix molem istius invidiae, si in exsilium iussu consulis ieris, sustinebo. Sin autem servire meae laudi et gloriae mavis, egredere cum importuna sceleratorum manu, confer te ad Manlium, concita perditos civis, secerne te a bonis, infer patriae bellum, exsulta impio latrocinio, ut a me non eiectus ad alienos, sed invitatus ad tuos isse

24 videaris. Quamquam quid ego te invitem, a quo iam sciam esse praemissos qui tibi ad Forum Aurelium praestolarentur armati, cui sciam pactam et constitutam cum Manlio diem, a quo etiam aquilam illam argenteam quam tibi ac tuis omnibus confido perniciosam ac funestam futuram, cui domi tuae sacrarium scelerum constitutum fuit, sciam esse praemissam? Tu ut illa carere diutius possis quam venerari ad caedem proficiscens solebas, a cuius

<sup>a</sup> A village about fifty miles north of Rome on the Aurelian Way n. to the city of Praeneste where Manlius awaited Catiline.

<sup>b</sup> To be the standard of his followers. In camp the eagles were kept in a shrine.

if, terrified by my threats, you were to be persuaded to go into exile, what a tempest of ill feeling would await me, if not now while the memory of your crimes is still fresh, certainly in after times. But it is worth all that, provided your ruin remains a private affair and is divorced from the dangers to the state. But that you should be dissuaded from your vices, that you should fear the punishment of the laws, that you should yield to the needs of the state, that is a thing not to be asked. For you are not the man, Catiline, ever to be recalled from disgrace by shame, or from danger by fear, or from madness by reason. Where- 23 fore, as I have now often said, go, and if you wish to stir up hatred against me, your enemy, as you call me, go straight into exile ; with difficulty shall I bear the criticisms of mankind if you do this ; with difficulty shall I sustain the load of that hatred if you shall go into exile at the consul's orders. But if you prefer to minister to my praise and glory, take with you that rascally gang of criminals, take yourself to Manlius, arouse the debauched, separate yourself from the upright, bring war upon your country, exult in impious robbery ; then it will appear that you have gone not expelled by me to join aliens but invited to join your friends. And yet why should I urge you, for I know 24 that you have already sent men ahead to await you under arms at Forum Aurelium<sup>a</sup> I know that you have arranged and appointed a day with Manlius and that you have also sent forward that silver eagle,<sup>b</sup> which I trust will be a cause of ruin and a curse for all your band. For this eagle a shrine of iniquities has been set up in your own home. Is it possible that you could longer be separated from this to which you were wont to pay homage as you set forth to murder,

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altaribus saepe istam impiam dexteram ad necem civium transtulisti ?

- 25 X. Ibis tandem aliquando quo te iam pridem tua ista cupiditas effrenata ac furiosa rapiebat ; neque enim tibi haec res adfert dolorem sed quandam incredibilem voluptatem. Ad hanc te amentiam natura peperit, voluntas exercuit, fortuna servavit. Numquam tu non modo otium sed ne bellum quidem nisi nefarium concupisti. Nactus es ex perditis atque ab omni non modo fortuna verum etiam spe derelictis conflata improborum manum.
- 26 Hic tu qua laetitia perfruere, quibus gaudis exultabis, quanta in voluptate bacchabere, cum in tanto numero tuorum neque audies virum bonum quemquam neque videbis ! Ad huius vitae studium meditati illi sunt qui feruntur labores tui, iacere humi non solum ad obsidendum stuprum verum etiam ad facinus obeundum, vigilare non solum insidiantem somno maritorum verum etiam bonis otiosorum. Habes ubi ostentes tuam illam praeclaram patientiam famis, frigoris, inopiae rerum omnium, quibus te brevi tem-
- 27 pore confectum esse senties. Tantum profeci, cum te a consulatu reppuli, ut exsul potius templare quam consul vexare rem publicam posses, atque ut id quod esset a te scelerate susceptum latrocinium potius quam bellum nominaretur.

XI. Nunc, ut a me, patres conscripti, quandam prope iustam patriae querimoniam detester ac deprecer, percipite, quaeso, diligenter quae dicam,

from whose altars you often have lifted that impious right hand of yours for the slaughter of the citizens ?

X You will go, then, at last where that unbridled 25 and furious greed of yours has long been hurrying you ; indeed this does not bring sorrow to you but a certain incredible delight. For this madness nature bore you, your own wish has trained you, fortune has preserved you. You never desired peace, nor war even unless it were a wicked war. You have a band of criminals swept up from those whom all fortune and even all hope have deserted and abandoned In 26 their company what joy will be yours, what delights, what exultation, how you will revel in debauchery, when among so many of your friends you will neither hear nor see a single upright man ! For pursuing a life like that those " labours " of yours, of which men speak, have been good practice : to lie on the bare ground not only to lay siege to the object of your lust, but also to perpetrate crime ; to lose sleep not only plotting against the repose of husbands, but plotting also to steal the goods of peaceable citizens. You have an opportunity to show that famous ability you have to endure hunger, cold, a lack of everything ; soon you will know that these practices have ruined you. This much I accomplished when I kept you 27 from the consulship : that you might be able to attack the state as an exile rather than to vex it as a consul, and that this undertaking which has been foully conceived by you may be called brigandage rather than war

XI. And now, that I may prevent our country by entreaty and prayer, Conscript Fathers, from making a complaint that would be almost justified, listen carefully, I pray you, to what I shall say and store



## CICERO

et ea penitus animis vestris mentibusque mandate. Etenim si mecum<sup>f</sup> patria, quae mihi vita mea multo est carior, si cuncta Italia, si omnis res publica sic loquatur : “ M. Tulli, quid agis ? Tunc eum quem esse hostem comperisti, quem ducem belli futurum vides, quem expectari imperatorem in castris hostium sentis, auctorem sceleris, principem con-  
28 summo supplicio mactari imperabis ? Quid tandem te impedit ? Mosne maiorum ? At persaepe etiam privati in hac re publica perniciosos civis morte multarunt. An leges quae de civium Romanorum supplicio rogatae sunt ? At numquam in hac urbe qui a re publica defecerunt civium iura tenuerunt. An invidiam posteritatis times ? Praeclaram vero populo Romano refers gratiam qui te, hominem per te cognitum, nulla commendatione maiorum tam mature ad summum imperium per omnis honorum gradus extulit, si propter invidiae aut alicuius periculi metum salutem civium tuorum  
29 neglegis. Sed si quis est invidiae metus, non est vehementius severitatis ac fortitudinis invidia quam inertiae ac nequitiae pertimescenda. An, cum bello vastabitur Italia, vexabuntur urbes, tecta ardebunt, tum te non existimas invidiae incendio conflagraturum ? ”

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<sup>a</sup> Cicero had been taunted with being an upstart, for he was the first of his family to achieve senatorial rank ; he was a *novus homo*.

it deep in your hearts and minds. For if our country, which is much dearer to me than my life, if all Italy, if all the state should speak to me thus : " Marcus Tullius, what are you doing ? This man is a public enemy as you have discovered ; he will be the leader of the war, as you see ; men are waiting for him to take command in the enemies' camp, as you know : author of a crime, head of a conspiracy, recruiter of slaves and criminals—and you will let him go, in such a way that he will seem to be not cast out of the city by you but let loose against the city ! Will you not command him to be cast into chains, to be haled to death, to be punished with the greatest severity ? What, pray, hinders you ? The custom of our ances- 28  
tors ? But often even private citizens in this state have punished with death dangerous men. Is it the laws which have been enacted regarding the punishment of Roman citizens ? But never in this city have those who revolted against the state enjoyed the rights of citizens. Or do you fear the odium of posterity ? A fine return you are making to the Roman people who have raised you, a man distinguished only by your own deeds, and by no achievements of your ancestors,<sup>a</sup> so early to the highest office through every grade of honour, if because of the fear of unpopularity or any danger whatever you neglect the safety of your fellow-citizens ! But if there is any fear of un- 29  
popularity, the unpopularity that comes from sternness and severity is no more greatly to be dreaded than that which comes from laxness and cowardice. Or when Italy shall be devastated by war, when the cities shall be harried, when houses shall be burned, do you not think that then you will be consumed by the fire of unpopularity ? "

## CICERO

XII. His ego sapientissimis rei publicae vocibus et eorum hominum qui hoc idem sentiunt mentibus pauca respondebo. Ego, si hoc optimum factu iudicarem, patres conscripti, Catilinam morte multari, unius usuiam horae gladiatori isti ad vivendum non dedissem. Etenim si summi viri et clarissimi cives Saturnini et Gracchorum et Placii et superiorum complurium sanguine non modo se non contaminarunt sed etiam honestarunt, certe verendum mihi non erat ne quid hoc parricida civium interfecto invidiae mihi in posteritatem redundaret. Quodsi ea mihi maxime impenderet, tamen hoc animo fui semper ut invidiam virtute partam gloriam, 30 non invidiam putarem. Quamquam non nulli sunt in hoc ordine qui aut ea quae imminet non videant aut ea quae vident dissimulent; qui spem Catilinae molli- bus sententiis aluerunt coniurationemque nascentem non credendo conrobora- verunt; quorum auctoritate multi non solum improbi verum etiam imperiti, si in hunc animadvertissem, crudeliter et regie factum esse dicerent. Nunc intellego, si iste, quo intendit, in Manliana castra pervenerit, neminem tam stultum fore qui non videat coniurationem esse factam, neminem tam improbum qui non fateatur. Hoc autem uno interfecto intellego hanc rei publicae pestem paulisper reprimi, non in perpetuum comprimi posse. Quodsi sese eiecerit secumque suos eduxerit et eodem ceteros undique conlectos naufragos adgregarit, ex-

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<sup>a</sup> Saturninus, Tiberius and Gaius Gracchus were killed, the former by Marius in 100 and the Gracchi by mobs incited by the nobles in 133 and 121 on the charge that they were aiming at unconstitutional power. The case of L. Valerius Flaccus is not so clear. He was consul with

XII. To this most solemn utterance of the state and of those men who think these same thoughts I will answer briefly. "If I judged that it were best, Conscript Fathers, that Catiline should be put to death, *I* should not give to that gladiator the enjoyment of a single further hour of life. For if our most noble men and most famous citizens were not stained but even honoured by shedding the blood of Saturninus, and the Gracchi, and Flaccus,<sup>a</sup> and many men of ancient time, certainly I should not have feared that when this murderer of citizens has been slain any unpopularity would attach to me in after time. But if that did seriously threaten me, still I have always believed that unpopularity won by uprightness was glory and not unpopularity. And yet there are some 30 in this body who either do not see the disasters which threaten us or pretend that they do not see them; these have fostered the hopes of Catiline by mild measures and they have strengthened the growing conspiracy by not believing in its existence; under their influence many ignorant men as well as villains would be saying that I acted cruelly and tyrannically if I had punished Catiline. Now I know that if he arrives at Manlius's camp whither he is now making his way, no one will be so stupid as not to see that a conspiracy has been formed, no one will be so depraved as to deny it. But if this man alone is executed, I know that this disease in the state can be checked for a little time, but it cannot be completely crushed. But if he shall take himself off, if he shall lead out his friends with him and gather together to the same place other derehcts now collected from all sources,

Marius in 100 and later with Cinna in 86. He was murdered by Fimbria in 86 when they were conducting a joint expedition against Sulla in the east.

stinguetur atque delebitur non modo haec tam adulta rei publicae pestis verum etiam stips ac semen malorum omnium.

- 31 XIII. Etenim iam diu, patres conscripti, in his periculis coniurationis insidisque versamur, sed nescio quo pacto omnium scelerum ac veteris furoris et audaciae maturitas in nostri consulatus tempus erupit. Hic si ex tanto latrocinio iste unus tolletur, videbimur fortasse ad breve quoddam tempus cura et metu esse relevati, periculum autem residebit et erit inclusum penitus in venis atque in visceribus rei publicae. Ut saepe homines aegri morbo gravi cum aestu febrique iactantur, si aquam gelidam biberunt, primo relevari videntur, deinde multo gravius vehementiusque affliguntur, sic hic morbus qui est in re publica relevatus istius poena
- 32 vehementius reliquis vivis ingravescet. Quare secedant improbi, secernant se a bonis, unum in locum congregentur, muro denique, id quod saepe iam dixi, secernantur a nobis, desinant insidiari domi suae consuli, circumstare tribunal praeoris urbani, obsidere cum gladiis curiam, malleolos et faces ad inflammendam urbem comparare; sit denique inscriptum in fronte unius cuiusque quid de re publica sentiat. Polliceor hoc vobis, patres conscripti, tantam in nobis consulibus fore diligentiam, tantam in vobis auctoritatem, tantam in equitibus Romanis virtutem, tantam in omnibus bonis consensionem ut Catilinae profec-tione omnia patefacta, inlustrata, oppressa, vindicata esse videatis.

not only this plague rampant in the state but even the roots and seeds of all evil will be obliterated and destroyed

XIII. For many a long day, Conscript Fathers, we 31 have lived and moved amid these dangers and snares of conspiracy; but in some strange way all these crimes and this long-standing madness and audacity have come to a head in the time of my consulship. If out of this great crowd of robbers this one man shall be removed, we shall seem perhaps for a brief time to be relieved of care and fear. But the danger will remain, and it will be hidden deep in the veins and vitals of the state. Just as often men sick with a grievous disease and tossed about in a burning fever drink cold water and at first seem to be relieved, but later are much more grievously and violently afflicted, so this disease in the state, though relieved by the punishment of this man, will grow much worse so long as the rest remain alive. Therefore let the 32 wicked depart; let them separate themselves from the good, let them assemble in one place. And finally, as I have often said, let them be separated from us by a wall; let them cease to lie in wait for the consul in his own home, to stand around the tribunal of the city praetor, to besiege the senate-house with swords, to prepare fire-spears and fire-brands with which to burn the city; finally, let every man's thoughts of the state be written on his forehead. I promise you this, Conscript Fathers, that there will be such energy in us, the consuls, such authority in you, such courage in the Roman knights, such cordial agreement among all patriotic men, that after the departure of Catiline you will see all things made clear, brought to light, suppressed and punished.

## CICERO

33 Hisce omnibus, Catilina, cum summa rei publicae salute, cum tua peste ac perniciē cumque eorum exitio qui se tecum omni scelere particidioque iunxerunt proficiscere ad impium bellum ac nefarium Tu, Iuppiter, qui isdem quibus haec urbs auspiciis a Romulo es constitutus, quem Statorem huius urbis atque imperii vere nominamus, hunc et huius socios a tuis ceterisque templis, a tectis urbis ac moenibus, a vita fortunisque civium omnium arcebis et homines bonorum inimicos, hostis patriae, latrones Italiae scelerum foedere inter se ac nefaria societate coniunctos aeternis supplicis vivos mortuosque mactabis.

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\* The Roman army was being forced to retreat in a battle

With omens like these, Catiline, go forth to your 33  
 impious and wicked war, bringing to the state the  
 greatest of benefits, to yourself destruction and anni-  
 hilation, and to those who have allied themselves  
 with you for all crime and parricide, utter ruin. O  
 Jupiter, thou who wast established by Romulus under  
 the same auspices under which this city was estab-  
 lished, rightly called by us the Stayer<sup>a</sup> of this city and  
 empire, thou wilt repel him and his allies from thy  
 temples and from the other temples, from the dwell-  
 ings of this city and its walls, from the lives and for-  
 tunes of all the citizens, and these men, enemies of  
 the upright, foes of the state, plunderers of Italy,  
 who are united by a compact of crime in an abomin-  
 able association, thou wilt punish living and dead  
 with eternal punishments.

with the Sabines. Romulus vowed a temple to Jupiter if he  
 would stay the flight. His prayer was answered and on the  
 alleged spot a temple was built in 294 B.C. to Jupiter the  
 Stayer of Flight. Cicero was speaking in this temple.



## ORATIO IN CATILINAM SECUNDA

### HABITA AD POPULUM

- 1 I. Tandem aliquando, Quirites, L. Catilinam furentem audacia, scelus anhelantem, pestem patriae nefarie molientem, vobis atque huic urbi ferro flammaque minitantem ex urbe vel eiecimus vel emisimus vel ipsum egredientem verbis prosecuti sumus. Abiit, excessit, evasit, erupit. Nulla iam pernicies a monstro illo atque prodigio moenibus ipsis intra moenia comparabitur. Atque hunc quidem unum huius belli domestici ducem sine controversia vicimus. Non enim iam inter latera nostra sica illa versabitur; non in campo, non in foro, non in curia, non denique intra domesticos parietes pertimescemus. Loco ille motus est, cum est ex urbe depulsus. Palam iam cum hoste nullo impediante bellum iustum geremus. Sine dubio perdidimus hominem magnificeque vicimus, cum illum ex occultis insidiis in apertum atrocium coniecimus.
- 2 Quod vero non cruentum mucronem, ut voluit, extulit, quod vivis nobis egressus est, quod ei ferrum e manibus extorsimus, quod incolumis civis,

## THE SECOND SPEECH AGAINST LUCIUS SERGIUS CATILINE

DELIVERED BEFORE THE PEOPLE

I. At long last, citizens, we have cast out of the 1  
city or dismissed or said farewell to Lucius Catiline,  
as he departed, blazing with audacity, breathing  
forth crime, wickedly plotting the destruction of his  
country, threatening you and this city with sword and  
fire. He has gone, departed, escaped, flung himself  
out. Now that misbegotten monster will no longer  
plot from within our walls any destruction against  
them. Beyond question we have vanquished this the  
one leader of this civil war. For no longer will that  
dagger of his be plying its task in our sides. We  
shall be afraid neither in the Campus Martius, nor in  
the forum, nor in the senate-house, and finally not  
within the walls of our own homes. He was driven  
from his post of advantage when he was expelled  
from the city. We shall now carry on an open war  
with a public enemy and no one hinders us. Without  
doubt we destroyed the man and conquered gloriously  
when we drove him from hidden ambush to open 2  
robbery. But because he did not carry with him a  
sword stained with blood, as he wished, because he  
departed leaving us still alive, because we wrenched  
his sword from his hands, because he left the citizens

quod stantem urbem reliquit, quanto tandem illum maciore esse afflictum et profligatum putatis? Iacet ille nunc prostiatus, Quirites, et se perculsum atque abiectum esse sentit et retonquet oculos profecto saepe ad hanc urbem quam e suis faucibus ereptam esse luget: quae quidem mihi laetam videtur, quod tantam pestem evomuerit forasque proiecerit

- 3 II. Ac si quis est talis qualis esse omnis oportebat, qui in hoc ipso in quo exsultat et triumphat oratio mea me vehementer accuset, quod tam capitalem hostem non comprehenderim potius quam emiserim, non est ista mea culpa, Quirites, sed temporum. Interfectum esse L. Catilinam et gravissimo supplicio adfectum iam pridem oportebat, idque a me et mos maiorum et huius imperi severitas et res publica postulabat Sed quam multos fuisse putatis qui quae ego deferrem non crederent, quam multos qui etiam defenderent, quam multos qui propter stultitiam non putarent, quam multos qui propter improbitatem faverent? Ac si illo sublato depelli a vobis omne periculum iudicaret, iam pridem ego L. Catilinam non modo invidiae meae verum etiam
- 4 vitae periculo sustulissem. Sed cum viderem ne vobis quidem omnibus etiam tum re probata si illum, ut erat meritis, morte multassem, fore ut eius socios invidia oppressus persequi non possem, rem huc deduxi ut tum palam pugnare possetis cum hostem

safe and the city still standing, with what grief, pray, do you think he is afflicted and cast down? He now lies prostrate, citizens, and knows that he has been driven forth and cast out, and assuredly he often turns his eyes back toward this city and mourns that it has been snatched from his jaws. But it seems to me the city rejoices because it has spewed out that pestilence and cast it forth

II. But if (behaving as all should behave) any- 3 one violently accuses me and upbraids me for the very thing which is the boast and triumph of my speech, namely that I did not arrest this deadly enemy rather than send him away, that is not my fault, citizens, but the fault of circumstances. Lucius Catiline ought long ago to have been put to death and to have suffered the most terrible punishment. And the practice of our ancestors and the dignity of this government and the state demanded this of me. But how many do you think there were who would disbelieve my report, how many who would even defend him, how many who were too stupid to have any thoughts at all in the matter, how many who were so wicked that they favour him? And if I thought that all peril would be averted from you by removing him, long ago I should have destroyed Lucius Catiline at the risk not only of unpopularity but even at the risk of my life. But when I saw that the matter 4 was not approved even then even by all of you, and that if I had punished him with death as he deserved I should have been overwhelmed with odium, and should not be able to prosecute his allies; I have therefore so arranged the matter that you might be able to fight openly when you clearly saw the public

aperte videretis. Quem quidem ego hostem, Quirites, quam vehementer foris esse timendum putem, licet hinc intellegatis, quod etiam illud moleste fero quod ex urbe parum comitatus exierit. Utinam ille omnis secum suas copias eduxisset! Tongilium mihi eduxit quem amare in praetexta<sup>1</sup> coeperat, Publicium et Minucium quorum aes alienum contractum in popina nullum rei publicae motum adferre poterat; reliquit quos viuos, quanto aere alieno, quam valentis, quam nobilis!

- 5 III. Itaque ego illum exercitum prae Gallicanis legionibus et hoc dilectu quem in agro Piceno et Gallico Q. Metellus habuit et prae his copis quae a nobis cotidie comparantur, magno opere contemno, conlectum ex senibus desperatis, ex agresti luxuria, ex rusticis decoctoribus, ex iis qui vadimonia deserere quam illum exercitum maluerunt, quibus ego non modosi aciem exercitus nostri, verum etiam si edictum praetoris ostendero, concident. Hos quos video volitare in foro, quos stare ad curiam, quos etiam in senatum venire, qui nitent unguentis, qui fulgent purpura, malletm secum suos milites eduxisset; qui si hic permanent, mementote non tam exercitum illum esse nobis quam hos qui exercitum deseruerunt pertimescendos. Atque hoc etiam sunt timendi magis, quod quid cogitent me scire sentiunt neque  
6 tamen permoventur. Video cui sit Apulia attributa, quis habeat Etruriam, quis agrum Picenum, quis

<sup>1</sup> after praetexta *Reis* reads calumniatum, his suggestion for calumnia of some MSS.

<sup>a</sup> Cited as three examples of Catiline's debauched partisans.

<sup>b</sup> He was in command of the levy being raised by the senate to oppose Catiline and Manlius.

<sup>c</sup> They had been cited to appear in court and had deposited bail to guarantee their presence. This money they

enemy. How great a menace I thought this enemy, even after he left the city, citizens, you may know because I was even sorry because too few went with him when he went away. Would that he had taken with him all his forces ! He did take that Tongilius, I may tell you, whom he had begun to love in early boyhood, he took Publicius and Minucius,<sup>a</sup> whose debts contracted in eating-houses could bring no disturbance to the state ; what men has he left behind, how sunk in debt, how valiant, how noble !

III. And in comparison with the Gallic legions <sup>5</sup> and that levy which Quintus Metellus <sup>b</sup> has held in the country of Picenum and Gaul and in comparison with these troops which we are daily preparing, I utterly despise that army of his, a collection of ruined old men, of boorish high-livers, of rustic spendthrifts, and of those who prefer to forfeit their bail <sup>c</sup> rather than to desert his army. If I shall show to these men, not the battle-line of our army, but merely the edict of the praetor, they will collapse. But these persons whom I see flitting about the forum, standing near the senate-house, and even coming into the senate, who shine with unguents, who are refulgent with purple, I would prefer that he had taken them with him as soldiers ; if they remain here, remember that we should not fear so much his army as those who have deserted his army. And they are to be feared all the more because they see that I know what they are thinking about and still they are not moved. I see to whom Apulia has been allotted, <sup>6</sup> who has Etruria, who has the country of Picenum and had forfeited by joining Catiline's forces and absenting themselves from Rome.

8 illum? Iam vero, quae tanta unquam in ullo iuven-  
tutis inlecebra fuit quanta in illo? Qui alios ipse  
amabat turpissime, aliorum amoris flagitiosissime ser-  
viebat, alius fructum libidinum, alius mortem paren-  
tum non modo impellendo verum etiam adiuvando  
pollicebatur. Nunc vero quam subito non solum  
ex urbe verum etiam ex agris ingentem numerum  
perditorum hominum conlegerat! Nemo non modo  
Romae sed ullo in angulo totius Italiae oppressus  
aere alieno fuit quem non ad hoc incredibile sceleris  
foedus asciverit.

- 9 V. Atque ut eius diversa studia in dissimili ratione  
perspicere possitis, nemo est in ludo gladiatorio  
paulo ad facinus audacior qui se non intimum  
Catilinae, nemo in scaena levior et nequior qui se  
non eiusdem prope sodalem fuisse commemoret.  
Atque idem tamen stuprorum et scelerum exercita-  
tione adsuefactus frigore et fame et siti et vigiliis  
perferendis fortis ab istis praedicabatur, cum in-  
10 dustriae subsidia atque instrumenta virtutis in li-  
bidine audaciaque consumeret. Hunc vero si secuti  
erunt sui comites, si ex urbe exierint desperatorum  
hominum flagitiosi greges, o nos beatos, o rem  
publicam fortunatam, o praeclaram laudem consula-  
tus mei! Non enim iam sunt mediocres hominum  
libidines, non humanae et tolerandae audaciae. Ni-  
hil cogitant nisi caedem, nisi incendia, nisi rapinas.  
Patrimonia sua profuderunt, fortunas suas obliga-  
verunt; res eos iam pridem, fides nuper deficere  
coepit: eadem tamen illa quae erat in abundantia  
libido permanet. Quodsi in vino et alea comissa-

without him ? Aye indeed what man has ever presented such great allurements to youth as this man ? He loved some himself most shamelessly. He pandered to the love of others most abominably. To some he promised the satisfaction of their lust, to others the murder of their parents, not only encouraging them but even assisting them. Now again how quickly not only from the city but also from the country districts had he collected a great crowd of abandoned men ! There was no one not only in Rome but in any corner of all Italy oppressed by debt whom he did not summon to this incredible alliance of crime.

V So now you may mark his varied interests in 9 different activities. there is no one in the gladiatorial school a little too eager for crime who does not claim Catiline for his intimate friend ; there is no one on the stage rather trivial or a bit inclined to vice who does not claim that he was almost his boon companion. And still this same man trained by his practice in vices and crimes to bear cold, and hunger, and thirst, and lack of sleep, was hailed as a hero by these rascals, though he was exhausting in lust and wantonness the forces that make for industry and assist virtue. But if his own companions will follow 10 him, if these criminal gangs of desperate men will go out of the city, how happy we shall be, how fortunate the republic, how glorious the praise of my consulship ! For the lusts of these men are no longer moderate, and their wantonness is inhuman and unbearable, they think of nothing but murder, arson, and pillage. They have squandered their patrimonies, they have mortgaged their properties ; money began to fail them long ago and credit lately. And still this lust which they had in full measure remains. But if in wine and in gambling they sought



- liones solum et sgorta quaerent, essent illi quidem desperandi, sed tamen essent ferendi; hoc vero quis ferre possit, inertis homines fortissimus vir insidiari, stultissimos prudentissimis, ebrios sobrios, dormientis vigilantibus? Qui mihi accubantes in convivis, complexi mulieres impudicas, vino languidi, conferti cibo, sertis redimiti, unguentis obliti, debilitati stupis eructant sermonibus suis caedem bonorum atque urbis incendia. Quibus ego confido impendere fatum aliquod et poenam iam diu improbitati, nequitiae, scelei, libidini debitam aut instare iam plane aut certe appropinquare Quos si meus consulatus, quoniam sanare non potest, sustulerit, non breve nescio quod tempus sed multa saecula propagarit rei publicae Nulla enim est natio quam pertimescamus, nullus rex qui bellum populo Romano facere possit. Omnia sunt externa unius virtute tera marique pacata: domesticum bellum manet, intus insidiae sunt, intus inclusum periculum est, intus est hostis Cum luxuria nobis, cum amentia, cum scelere certandum est. Huic ego me bello ducem profiteor, Quirites; suscipio inimicitias hominum perditorum; quae sanari poterunt quacumque ratione sanabo, quae resecanda erunt non patiar ad perniciem civitatis manere. Proinde aut exeant aut quiescant aut, si et in urbe et in eadem mente permanent, ea quae merentur expectent
- 12 VI. At etiam sunt qui dicant, Quirites, a me eiectum in exsilium esse Catilinam. Quod ego si verbo adsequi possem, istos ipsos eicerem qui haec loquuntur. Homo enim videlicet timidus aut etiam

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<sup>a</sup> Gnaeus Pompey who had suppressed the rebellion of Sertorius, abolished the pirates, and conquered Mithridates.

only revelry and harlots they indeed would be beyond hope, but they still could be tolerated. But who can bear this—that cowards should lie in wait for brave men, fools for the wise, the drunken for the sober, the sluggards for the watchful? These men, I tell you, reclining at their banquets, embracing harlots, stupid with wine, stuffed with food, crowned with wreaths, smothered with unguents, weakened by vice, belch forth in their conversation the murder of good men and the burning of the city. Over these I trust some fate 11 hangs, and the punishment long due to their wickedness, iniquity, crime, and lust either is now right hard upon them or is certainly approaching them. If my consulship is to destroy these men, since it cannot cure them, not some short time but many ages will be added to the life of the state. For there is no nation for us to fear, no king who could make war upon the Roman people. All foreign enemies on land and sea have been pacified by the valour of one man.<sup>a</sup> Civil war remains; within are plots, within is danger, within is an enemy. Luxury, madness, crime are the enemies we have to fight. I offer myself, citizens, as a leader for this war; I accept the hatred of the wicked; what can be healed I will cure in some way or other, the members which must be cut off I will not allow to remain to endanger the state. And so let these men either go forth or be quiet! Or if they remain in the city and retain the same purpose, let them expect what they deserve.

VI. But, citizens, there are those who say that it 12 is I who have driven Catiline into exile. If I could accomplish that by a word, I would drive out these very men who say these things. For I suppose that this man, so timid and even modest, could not endure

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permodestus vocem consulis ferre non potuit; simul atque ne in exilium iussus est, paruit. Quid? Ut hesterno die, cum domi meae paene interfectus essem, senatum in aedem Iovis Statoris convocavi, rem omnem ad patres conscriptos detuli. Quo cum Catilina venisset, quis eum senator appellavit, quis salutavit, quis denique ita aspevit ut perditum civem ac non potius ut importunissimum hostem? Quin etiam principes eius ordinis partem illam subsecliorum ad quam ille accesserat nudam atque inanem reliquerunt.

- 13 Hic ego vehemens ille consul qui verbo civis in exilium eicio, quaesivi a Catilina, in nocturno conventu apud M. Laecam fuisset necne. Cum ille homo audacissimus conscientia convictus primo reticuisset, patefeci cetera, quid ea nocte egisset, quid in proximam constituisset, quem ad modum esset ei ratio totius belli descripta edocui. Cum haesitaret, cum teneretur, quaesivi quid dubitaret proficisci eo quo iam pridem pararet, cum arma, cum securis, cum fascis, cum tubas, cum signa militaria, cum aquilam illam argenteam cui ille etiam sacrarium scelerum
- 14 domi suae fecerat scire esse praemissam. In exilium eiciebam quem iam ingressum esse in bellum videbam? Etenim, credo, Manlius iste centurio qui in agro Faesulano castra posuit bellum populo Romano suo nomine indixit, et illa castra nunc non Catilinam ducem expectant, et ille eiectus in exilium se Massiliam, ut aiunt, non in haec castra confert.

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<sup>a</sup> November 6. For the chronology see the Introduction.

<sup>b</sup> See *Catiline* I. 24.

the reproach of the consul! As soon as he was bidden to go forth into exile he obeyed. Again, yesterday when I had almost been killed in my own home I summoned the senate into the temple of Jupiter Stator. I reported the whole matter to the Conscript Fathers. When Catiline arrived, what senator addressed him? Who saluted him? Finally, who regarded him merely as a vicious man and not rather as a dangerous public enemy? Nay, more, the leading senators left that part of the benches, where he had taken his place, unoccupied and deserted. Then I, that stern consul, who drives citizens into 13 exile by a word, asked Catiline whether or not he had been at the house of Marcus Laeca at the meeting the previous night<sup>a</sup>. When at first this boldest of men, conscience-stricken, was silent, I disclosed the other things; I showed what he had done that night, what he had planned for the next night, how he had arranged the plan of the whole war. When he was trapped and held fast, I inquired why he hesitated to go where he had long intended going, when already arms, axes, the fasces, the trumpets, the military standards, and that silver eagle<sup>b</sup> for which he had prepared a shrine of crime in his own home had been sent in advance, as I knew. Was I driving into 14 exile the man who, I saw, had already set forth to war? And I suppose that Manlius, that centurion, who has pitched a camp in the district of Faesulae, has prepared war against the Roman people on his own account, and that camp does not now await Catiline as its leader, but he is driven into exile, and off to Marseilles, as they say, and not to this camp.

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VII. O condicionem miseram non modo administrandae verum etiam conservandae rei publicae! Nunc si L. Catilina consiliis, laboribus, periculis meis circumclusus ac debilitatus subito perituerit, sententiam mutaverit, deseruerit suos, consilium belli faciendi abiecerit et ex hoc cursu sceleris ac belli iter ad fugam atque exsilium converterit, non ille a me spoliatus armis audaciae, non obstupefactus ac perterritus mea diligentia, non de spe conatuque depulsus sed indemnatus innocens in exsilium eiectus a consule vi et minis esse dicitur : et erunt qui illum, si hoc fecerit, non improbum sed miserum, me non diligentissimum consulem sed crudelissimum tyrannum existimari velint. Est mihi tanti, Quirites, huius invidiae falsae atque iniquae tempestatem subire, dum modo a vobis huius horribilis belli ac nefarii periculum depellatur. Dicatur sane eicctus esse a me, dum modo eat in exsilium. Sed, mihi credite, non est iturus. Numquam ego ab dis immortalibus optabo, Quirites, invidiae meae relevandae causa ut L. Catilinam ducere exercitum hostium atque in armis volitare audiat, sed triduo tamen audietis ; multoque magis illud timco ne mihi sit invidiosum aliquando quod illum emisero potius quam quod eiecerim. Sed cum sint homines qui illum, cum profectus sit, eiectum esse dicant, idem, si interfectus esset, quid dicerent ? Quamquam isti qui Catilinam Massiliam ire dictitant non tam hoc queruntur quam

VII. O wretched the lot of those who administer the state, and even of those who save it ! If now Lucius Catiline, thwarted and exhausted by my wisdom and the efforts I have made at great risk to myself, shall suddenly become terrified and change his purpose, shall desert his friends and abandon his plan of making war, shall turn away from this course of crime and war to flight and exile, men will say not that this man was stripped of his armour of audacity by me, not that he was dazed and terrified by my vigilance, nor thwarted in his hope and purpose, but uncondemned and innocent he has gone into exile, driven out by the force and threats of a consul ; and if he follows this course there will be those who will wish to think him, not a criminal, but an object of pity and me not a most watchful consul but a most cruel tyrant. It is worth my while, citizens, to endure the storm of this false and unjust hatred, provided only the danger of this awful and wicked war is averted from you. Yes, let it be said that I have driven him out, provided only that he goes into exile. But believe me, he will not go I never shall pray the immortal gods, citizens, for the sake of averting this hatred from me, that you should hear that Lucius Catiline is leading an army of enemies and is going hither and thither under arms, but still in three days you will hear this ; and I am much more afraid that hereafter I may be hated because I let him go rather than because I drove him out. But there are many who say that he was driven out now that he is gone ; what would they be saying if he had been killed ? And yet those who keep saying that Catiline is going to Marseilles do not so much complain of this

verentur. Nemo est istorum tam misericors qui illum non ad Manhum quam ad Massiliensis ire malit. Ille autem, si mehercule hoc quod agit numquam antea cogitasset, tamen latrocinantem se interfici mallet quam exsulem vivere. Nunc vero, cum ei nihil adhuc praeter ipsius voluntatem cogitationemque acciderit, nisi quod vivis nobis Roma profectus est, optemus potius ut eat in exsilium quam quaeiamur.

17 VIII Sed cur tam diu de uno hoste loquimur et de eo hoste qui iam fatetur se esse hostem, et quem, quia, quod semper volui, murus interest, non timeo : de his qui dissimulant, qui Romae remanent, qui nobiscum sunt nihil dicimus ? Quos quidem ego, si ullo modo fieri possit, non tam ulcisci studeo quam sanare sibi ipsos, placare rei publicae, neque id quare fieri non possit, si me audire volent, intellego. Exponam enim vobis, Quirites, ex quibus generibus hominum istae copiae comparentur, deinde singulis medicinam consilii atque orationis meae, si quam potero, adferam.

18 Unum genus est eorum qui magno in aere alieno maiores etiam possessiones habent quarum amore adducti dissolvi nullo modo possunt. Horum hominum species est honestissima—sunt enim locupletes—voluntas vero et causa impudentissima. Tu agris, tu aedificiis, tu argento, tu familia, tu rebus omnibus ornatus et copiosus sis, et dubites de possessione detrahenda, adquirenda ad fideri ? Quid enim expectas ? Bellum ? Quid ergo ? In vastatione omnium tuas possessiones sacrosanctas futuras putas ? An tabulas novas ? Errant qui istas a Catilina expectant : meo

as fear it. There is no one of them so merciful who would not prefer that he should go to Manlius's camp rather than to Marseilles. But if, by Hercules, he had never before contemplated doing what he is now doing, he would still prefer to be killed a bandit than to live an exile, but now, since nothing has yet happened to him contrary to his wish and expectation except that I was not dead before he left Rome, let us hope rather than complain that he is going into exile.

VIII But why do I talk so long about this one 17 enemy, and about an enemy who confesses that he is an enemy, and an enemy whom I no longer fear since a wall separates us as I have always wished, and yet say nothing about those who are concealing their intentions, who remain at Rome, who are with us? These, if in any way it is possible, I desire not so much to punish as to cure, to reconcile them to the state, nor do I see why this is impossible if they are willing to take my advice. For I shall show you, citizens, from what classes of men those troops are procured. Then to each I shall offer so far as I can the healing of my counsel and my discourse.

The first class consists of those who, though greatly 18 in debt, have still greater property, to which they are so devoted that nothing can part them. The appearance of these men is very honest, for they are rich, but their intentions and their principles are most shameless. You may be rich and possess abundant fields, houses, money, slaves, everything, and do you hesitate to sell some of your property to improve your credit? What are you waiting for? War? What then? In the general devastation do you think that your property will be regarded as sacred? or do you expect catalogues of cancelled debts? They are much mistaken to await that from Catiline; by my



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beneficio tabulae novae proferentur, verum auctionariae; neque enim isti qui possessiones habent alia ratione ulla salvi esse possunt. Quod si maturius facere voluissent neque, id quod stultissimum est, certare cum usuris fructibus praediorum, et locupletionibus his et melioribus civibus uteremur. Sed hosce homines minime puto pertimescendos, quod aut deduci de sententia possunt aut, si permancbunt, magis mihi videntur vota facturi contra rem publicam quam arma laturi.

19 IX. Alterum genus est eorum qui, quamquam premuntur aere alieno, dominationem tamen expectant, rerum potiri volunt, honores quos quieta re publica desperant perturbata se consequi posse arbitrantur. Quibus hoc praecipendum videtur, unum scilicet et idem quod reliquis omnibus, ut desperent id quod conantur se consequi posse primum omnium me ipsum vigilare, adesse, providere rei publicae; deinde magnos animos esse in bonis viris, magnam concordiam, maximam multitudinem, magnas praeterea militum copias; deos denique immortalis huic invicto populo, clarissimo imperio, pulcherrimae urbi contra tantam vim sceleris praesentis auxilium esse laturos. Quodsi iam sint id quod summo furore cupiunt adepti, num illi in cinere urbis et in sanguine

favour, new catalogues will be offered, but they will be catalogues of goods for sale by auction, and indeed those men who have property can be solvent in no other way. But if they had been willing to do this earlier and had not most stupidly tried to pay the interest on their debts from the income of their estates, we should have found them both richer and more useful citizens. But these men I think are least of all to be feared because either they can be induced to abandon their opinions or if they remain obdurate it seems to me that they are much more likely to assail the state with prayers than with arms.

IX The second class consists of those who, although they are hard pressed with debts, still expect to rule. They wish to be masters of the state. They think that they can secure those offices when the country is in turmoil which they despair of attaining when it is at peace. It seems to me that this advice should be given them (it is of course the same advice which is offered to all the others), in order that they may despair of being able to attain what they are attempting: in the first place, I myself am on guard, I am ever alert, I am protecting the state; in the second place, the honest citizens have great courage, their unanimity of feeling is great, they have very great numbers, they have, moreover, a great force of soldiers; and finally, the immortal gods, present in person, will give their aid to this unconquered people, this famed government, this most beautiful of cities against such great forces of crime. But if they should attain that which they desire at the height of their madness, would they amid the ashes of the city, in the blood of the citizens, objects of their depraved

civium, quae mente consecretata ac nefaria concupiverunt, consules se aut dictatores aut etiam reges sperant futuros? Non vident id se cupere, quod si adepti sint, fugitivo alicui aut gladiatori sit concedi necesse? Tertium genus est aetate iam adfectum, sed tamen exercitatione robustum; quo ex genere iste est Manlius cui nunc Catilina succedit. Hi sunt homines ex iis colonis quas Sulla constituit; quas ego universas civium esse optimorum et fortissimorum virorum sentio, sed tamen hi sunt coloni qui se in<sup>1</sup> insperatis ac repentinis pecuniae sumptuosius insolentiusque iactant. Hi dum aedificant tamquam beati, dum praediis lectis, familiis magnis, conviviis apparatis delectantur, in tantum aes alienum inciderunt ut, si salvi esse velint, Sulla sit iis ab inferis excitandus. Qui etiam non nullos agrestis homines tenuis atque egentis in eandem illam spem rapinarum veterum impulerunt. Quos ego utrosque in eodem genere praedatorum direptorumque pono, sed eos hoc moneo, desinant furere ac proscriptiones et dictaturas cogitare. Tantus enim illorum temporum dolor inustus est civitati ut iam ista non modo homines sed ne pecudes quidem mihi passurae esse videantur

- 21 X. Quartum genus est sane varium et mixtum et turbulentum; qui iam pridem premuntur, qui numquam emergunt, qui partim inertia, partim

<sup>1</sup> in added by Ernst

\* Sulla had rewarded 120,000 of his veterans with grants of land in Italy—dispossessing previous owners. Many of these holdings were in Etruria, the district in which Faesulae lay.

and wicked concupiscence, hope to become consuls or dictators or even kings? Do they not see that the object of their desire—if attained—must necessarily be surrendered to some runaway slave or gladiator? The third class is composed of men already affected 20 by old age, but still strong because of their physical exercise. In this class is the scoundrel Manlius, whom Catiline has now joined. These are men from those colonies which Sulla established<sup>a</sup>; those colonies I recognize are entirely composed of very fine citizens and very brave men, but still these are the colonists who have dissipated themselves too luxuriously and too wantonly in their unexpected and newly-acquired possessions. While they are erecting buildings like men of wealth, while they are delighting themselves with their choice estates, with large retinues of slaves, with elaborate banquets, they have fallen so deeply in debt that if they would be solvent they must call Sulla back to them from the infernal regions. They have induced also some poor countrymen of small resources to indulge in the same hope that those ancient confiscations will be renewed. Both of these I put in that same class of pirates and robbers. But I give them this advice; let them cease to be mad and to hope for proscriptions and dictatorships. For the memory of those dire times has been so deeply burned into the state that it seems to me not only men but even dumb beasts will now refuse to endure them.

X. The fourth class is, indeed varied, promiscuous, 21 turbulent; those who long ago have been sunk, who never get their heads above water, who are staggering under old debts, partly because of their laziness,

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male gerendo negotio, partim etiam sumptibus in vetere aere alieno vacillant, qui vadimonis, iudicis, proscriptione bonorum defetigati permulti et ex urbe et ex agris se in illa castra conferre dicuntur. Hosce ego non tam milites acris quam infitiores lentos esse arbitror. Qui homines quam<sup>1</sup> primum, si stare non possunt, conruant, sed ita ut non modo civitas sed ne vicini quidem proximi sentiant. Nam illud non intellego quam ob rem, si vivere honeste non possunt, perire turpiter velint, aut cur minore dolore perituros se cum multis, quam si soli pereant, arbitrentur.

- 22 Quantum genus est parricidarum, sicariorum, denique omnium facinerosorum. Quos ego a Catilina non revoco; nam neque ab eo divelli possunt et pereant sane in latrocinio, quoniam sunt ita multi ut eos carcer capere non possit. Postremum autem genus est non solum numero verum etiam genere ipso atque vita quod proprium Catilinae est, de eius dilectu, immo vero de complexu eius ac sinu; quos pexo capillo, nitidos, aut imberbis aut bene barbatos videtis, manicatis et talaribus tunicis, velis amictos, non togis; quorum omnis industria vitae et vigilandi  
23 labor in antelucanis cenis expromitur. In his gregibus omnes aleatores, omnes adulteri, omnes impuri impudicique versantur. Hi pueri tam lepidi ac delicati non solum amare et amari neque saltare et cantare sed etiam sicas vibrare et spargere venena didicerunt. Qui nisi exeunt, nisi pereunt, etiamsi Catilina perierit

<sup>1</sup> quam *added by Halm.*

partly by bad business, partly by extravagance. Many of them, worn out by summonses on bail, and judgments, and attachments of their goods, are said to be repairing from the city and from the countryside to that camp. These men, I think, are not so much eager soldiers as lazy defaulters. If these men are bankrupt, let them collapse as soon as possible, but in such a way that not only the state but not even their nearest neighbours may know it. For I do not know why, if they cannot live honestly, they should wish to perish disgracefully, or why they think it will hurt less to perish with many others than if they perish alone.

The fifth class is composed of parricides, of assassins, and finally of all sorts of criminals. I do not recall them from Catiline, for they cannot be dragged away from him; and let them, by all means, perish in their crimes, since there are so many of them that prison cannot contain them. The last class is last not only in place but also in the character of its life. It is Catiline's own, his special choice, nay, rather his bosom friends. These are the men that you see with their hair combed, sleek fellows, either beardless or abundantly bearded,<sup>a</sup> with tunics that reach to the ankles and the wrists, clad in veils, not in togas. All of their interest in life and their waking hours are devoted to night-long banquets. In these gangs are 23 all the gamblers, all the adulterers, all the impure and unclean rascals. These boys, so delicate and soft, have learned not only to love and be loved, not only to dance and sing, but also to wave daggers and sprinkle poisons. Unless they leave the city, unless they perish, even if Catiline shall perish, be assured

<sup>a</sup> i.e. either beardless striplings or else unkempt debauchees.

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scitote hoc in re publica seminarium Catilinarum futurum. Verum tamen quid sibi isti miseri volunt? Num suas secum mulierculas sunt in castra ducturi? Quem ad modum autem illis carere poterunt, his praesertim iam noctibus? Quo autem pacto illi Apenninum atque illas pruinas ac nivis perferent? Nisi idcirco se facilius hiemem toleraturos putant, quod nudi in convivis saltare didicerunt!

- 24 XI. O bellum magno opere pertimescendum, cum hanc sit habiturus Catilina scortorum cohortem praetoriam! Instruite nunc, Quirites, contra has tam praeclaras Catilinae copias vestra praesidia vestrosque exercitus. Et primum gladiatorum illi confecto et saucio consules imperatoresque vestros opponite; deinde contra illam naufragorum eiectam ac debilitatam manum florem totius Italiae ac robur educite. Iam vero urbes coloniarum ac municipiorum respondebunt Catilinae tumulis silvestribus. Neque ego ceteras copias, ornamenta, praesidia vestra cum illius
- 25 latronis inopia atque egestate conferre debeo. Sed si, omissis his rebus quibus nos suppeditamur, eget ille, senatu, equitibus, populo Romano, urbe, aerario, vectigalibus, cuncta Italia, provinciis omnibus, exteris nationibus, si his rebus omissis causas ipsas quae inter se configunt contendere velimus, ex eo ipso quam valde illi iaceant intellegere possumus. Ex hac enim parte pudor pugnat. illinc petulantia; hinc pudicitia, illinc stuprum. hinc fides. illinc fraudatio; hinc pietas, illinc scelus; hinc constantia, illinc furor;

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\* Originally the Colonies were settled by Roman citizens, or by Latins and Romans together; the municipalities were inhabited by people having only Italian citizenship. In Cicero's time the distinction was merely one of origin, for all possessed Roman citizenship.

that in the state there will still be this hotbed of Catilines. But what do these wretches desire? They will not take with them to the camp their little mistresses, will they? Yet how can they be separated from them, especially on nights like these? How can those men endure the Apennines and that hoarfrost and snow? Unless they think perhaps that they will bear winter more easily because they have learned to dance naked at banquets!

XI O war most dread, since Catiline is to have this <sup>24</sup> bodyguard of perverts! And now, citizens, face these noble troops of Catiline with your guards, your army. In the first place, oppose to that gladiator, worn out and wounded, your consuls and your generals; and then lead out against that banished and weakened horde of shipwrecked men the flower and the strength of all Italy! Now indeed the cities of the colonies and the municipal towns <sup>a</sup> will answer the wooded heights <sup>b</sup> of Catiline. And indeed I ought not to compare your other resources, equipment, and garrisons with the want and poverty of that bandit. But <sup>25</sup> if without mentioning all these resources with which we are so well supplied and which he lacks, the senate, the equestrian order, the Roman people, the city, the treasury, the taxes, all Italy, all the provinces, foreign nations, if without mentioning these things we wish to compare just the causes which are at war with each other, from that alone we can know how utterly prostrate these men lie. For on this side fights modesty on that shamelessness; on this chastity, on that wantonness; on this honour, on that fraud; on this righteousness, on that crime; on this steadfastness,

<sup>a</sup> Remote places—the lairs of brigands



hinc honestas, illinc turpitudine ; hinc continentia, illinc libido ; hinc denique aequitas, temperantia, fortitudo, prudentia, virtutes omnes certant cum iniquitate, luxuria, ignavia, temeritate, cum vitis omnibus ; postremo copia cum egestate, bona ratio cum perdita, mens sana cum amentia, bona denique spes cum omnium rerum desperatione confligit. In eius modi certamine ac proelio nonne, si hominum studia deficient, di ipsi immortales cogant ab his praeclarissimis virtutibus tot et tanta vitia superari ?

26 XII. Quae cum ita sint, Quirites, vos, quem ad modum iam antea dixi, vestra tecta vigilis custodiusque defendite ; mihi ut huic urbi sine vestro motu ac sine ullo tumultu satis esset praesidi consultum atque provisum est. Coloni omnes municipesque vestri certiores a me facti de hac nocturna excursione Catilinae facile urbis suas finisque defendent ; gladiatores, quam sibi ille manum certissimam fore putavit, quamquam animo meliore sunt quam pars patriciorum, potestate tamen nostra continebuntur. Q. Metellus quem ego hoc prospiciens in agrum Gallicum Picenumque praemisi aut opprimet hominem aut eius omnis motus conatusque prohibebit. Reliquis autem de rebus constituendis, maturandis, agendis iam ad senatum referemus quem vocari videtis.

27 Nunc illos qui in urbe remanserunt atque adeo qui contra urbis salutem omniumque vestrum in urbe a Catilina relictis sunt, quamquam sunt hostes, tamen, quia nati sunt cives, monitos etiam atque etiam volo.

on that madness ; on this honesty, on that deceit ; on this self-restraint, on that lust ; and finally on this side justice, temperance, fortitude, prudence, all the virtues, contend with injustice, extravagance, cowardice, recklessness, all the vices ; lastly, abundance with poverty, good reason with bad, sanity with insanity, and finally fair hope fights against deepest despair. In a contest and battle of this kind, even if the hearts of men fail them, would not the immortal gods themselves compel these many great vices to be overwhelmed by these most notable virtues ?

XII. Since these things are so, citizens, do you, 26 just as I have advised already, defend your dwellings with guards and watchmen. I have provided and taken care that this city should have sufficient protection without any inconvenience to you and without any disturbance. I have informed all the colonies and all your municipal towns about this night attack of Catiline, and they will easily defend their cities and their territories. The gladiators, who, he thought, would most certainly be on his side, although they are better disposed than some of the patricians, will nevertheless be restrained by our authority. Foreseeing this event, I have sent Quintus Metellus to the district of Gaul and Picenum. He will either overwhelm the enemy or forestall all his movements and attempts. The senate will be asked to arrange, to expedite and to accomplish the other matters. You see it is being convened.

Now I wish to reiterate this warning to those who 27 have remained in the city, yes, and to those who have been left by Catiline in the city to destroy the safety of the city and the safety of all of you, for though they are enemies, still they were born citizens. This

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Mea lenitas adhuc si cui solutioni visa est, hoc expectavit ut id quod latebat erumperet. Quod reliquum est, iam non possum oblivisci meam hanc esse patriam, me horum esse consulem, mihi aut cum his vivendum aut pro his esse moriendum. Nullus est portis custos, nullus insidiator viae : si qui exire volunt, converei possum ; qui vero se in urbe commoverit, cuius ego non modo factum sed inceptum ullum conatumve contra patriam deprehendero, sentiet in hac urbe esse consules vigilantis, esse egregios magistratus, esse fortem senatum, esse arma, esse carcerem quem vindicem nefariorum ac manifestorum scelerum maiores nostri esse voluerunt.

28 XIII. Atque haec omnia sic aguntur, Quirites, ut maximae res minimo motu, pericula summa nullo tumultu, bellum intestinum ac domesticum post hominum memoriam crudelissimum et maximum me uno togato duce et imperatore sedetur. Quod ego sic administrabo, Quirites, ut, si ullo modo fieri poterit, ne improbus quidem quisquam in hac urbe poenam sui sceleris sufferat. Sed si vis manifestae audaciae, si impendens patriae periculum me necessario de hac animi lenitate deduxerit, illud profecto perficiam quod in tanto et tam insidioso bello vix optandum videtur, ut neque bonus quisquam intereat paucorumque poena vos omnes salvi esse  
29 possitis. Quae quidem ego neque mea prudentia neque humanis consiliis fietus polliceor vobis, Quirites, sed multis et non dubiis deorum immortalium significationibus, quibus ego ducibus in hanc spem sen-

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<sup>a</sup> The *Tullianum* where Jugurtha, Vercingetorix, and other notable men were executed. The Catilinarian conspirators were later strangled here.

leniency of mine, if it has hitherto seemed extravagant to anyone, has been awaiting only this—that what lay hidden might burst forth. For the future I cannot forget that this is my fatherland, that I am the consul of these men and that I must either live with them or die for them. There is no guard at the city gate, no one to lie in wait on the road; if they wish to go out, I can connive at it. But if anyone bestirs himself in the city, I shall detect not only his act but even any first move or attempt of his against the fatherland and he will know that there are in this city watchful consuls, excellent magistrates, a brave senate, that there are arms and a prison<sup>a</sup> which our ancestors wished to be an avenger of wicked and clearly manifest crimes.

XIII. And all these things will be so done, citizens, 28 that the most important things will be administered with the least disturbance, the greatest perils will be averted without any tumult and a rebellion and a civil war, the greatest and most cruel within the memory of man, will be suppressed by me alone, a leader and commander, wearing the garb of peace. I will so arrange this, citizens, that if it is at all possible, not even a criminal within this city will suffer the penalty of his own crime. But if this bold plot now clearly detected, if the peril that threatens the city must necessarily swerve me from this leniency of mine, this certainly I will accomplish, though it seems almost beyond hope, in so great and so dangerous a war, that no upright man may perish and that by the punishment of a few you may all be saved. I 29 promise this to you, citizens, relying not on my own prudence nor on human counsels but on many clear omens from the immortal gods, under whose leadership I have conceived this hope and this purpose.

## CICERO

tentiamque sum aggressus , qui iam non procul, ut quondam solebant, ab externo hoste atque longinquo, sed hic praesentes suo numine atque auxilio sua templa atque urbis tecta defendunt. Quos vos, Quirites, precari, venerari, implorare debetis ut, quam urbem pulcherimam, florentissimam potentissimamque esse voluerunt, hanc omnibus hostium copis terra marique superatis a perditissimorum civium nefario scelere defendant.

IN CATILINAM II, xiii 29

No longer far removed, as was formerly their wont, are they protecting us from a foreign and a far-distant enemy, but here present in person with their divine will and their power they are defending then temples and the dwellings of our city You ought, citizens, to pray to them, to beseech them and implore them since they have ordained this city to be most beautiful, most flourishing, most powerful, and since they have overwhelmed the hosts of all foreign foes by land and by sea, to defend this city from the outrageous plot of nefarious traitors

## ORATIO IN CATILINAM TERTIA

### HABITA AD POPULUM

1 I Rem publicam, Quirites, vitamque omnium  
vestrum, bona, fortunas, coniuges liberosque vestros  
atque hoc domicilium clauissimū imperi, fortunatis-  
simam pulcherissimamque urbem, hodierno die deorum  
immortalium summo erga vos amore, laboribus, con-  
siliis, periculis meis e flamma atque ferro ac paene  
ex faucibus fati ereptam et vobis conservatam ac  
2 restatutam videtis. Et si non minus nobis iucundi  
atque inlustres sunt ii dies quibus conservamur quam  
illi quibus nascimur, quod salutis certa laetitia est,  
nascendi incerta condicio et quod sine sensu nascimur,  
cum voluptate servamur, profecto, quoniam illum  
qui hanc urbem condidit ad deos immortalis bene-  
volentia famaue sustulimus, esse apud vos posteros-  
que vestros in honore debet is qui eandem hanc  
urbem conditam amplificatamque servavit Nam toti  
urbi, templis, delubris, tectis ac moenibus subiectos  
prope iam ignis circumdatosque restinximus, idemque  
gladios in rem publicam destinctos retrusimus mu-  
3 cronisque eorum a iugulis vestris deiecimus. Quae

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<sup>a</sup> Romulus.

## THE THIRD SPEECH AGAINST LUCIUS SERGIUS CATILINE

DELIVERED BEFORE THE PEOPLE

I. THE state, citizens, the lives of you all, your 1  
property, your fortunes, your wives, and your children,  
this home of the most glorious government, this most  
fortunate and magnificent city—on this day the love  
of the gods for you, and my own efforts, my plans  
and perils have rescued from fire and sword, and  
almost from the jaws of death, and restored to you  
safe and sound—as you see And if those days are 2  
no less pleasant and illustrious in our sight on which  
we are saved, than those on which we are born—  
because the joy of being saved is certain, and the  
condition to which we are born is uncertain, and  
because we are born without perception, and we are  
saved with pleasure—certainly since we have raised  
to the immortal gods with affection and praise that  
man “ who founded this city, he who preserved this  
same city, then founded and now grown great, ought  
to be held in honour by you and your posterity. For  
we have extinguished the fires which were kindled  
and which almost surrounded the whole city, the  
temples, the shrines, the dwellings, and the walls,  
and we also have thrust back the swords which were  
drawn against the state, and have turned aside their



## CICERO

quoniam in senatū inlustrata, patefacta, comperta sunt per me, vobis iam exponam breviter, Quirites, ut et quanta et quam manifesta et qua ratione investigata et comprehensa sint vos qui et ignoratis et expectatis scire possitis.

Principio, ut Catilina paucis ante diebus erupit ex urbe, cum sceleris sui socios, huiusce nefarii belli acerrimos duces Romae reliquisset, semper vigilavi et providi, Quirites, quem ad modum in tantis et tam absconditis insidus salvi esse possemus. II. Nam tum cum ex urbe Catilinam eiciebam—non enim iam vereor huius verbi invidiam, cum illa magis sit timenda, quod vivus exierit—, sed tum cum illum exterminari volebam, aut reliquam coniuratorum manum simul exituram aut eos qui restitissent in-  
4 firmos sine illo ac debilis fore putabam. Atque ego, ut vidi, quos maximo furore et scelere esse inflammatos sciebam, eos nobiscum esse, et Romae remansisse, in eo omnis dies noctesque consumpsi ut quid agerent, quid molirentur sentirem ac vidcrem, ut, quoniam auribus vestris propter incredibilem magnitudinem sceleris minorem fidem faceret oratio mea, rem ita comprehenderem ut tum demum animis salutē vestrae provideretis cum oculis maleficiū ipsum videretis. Itaque, ut comperi legatos Allobrogum belli Transalpini et tumultus Gallici exci-

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<sup>a</sup> Really nearly four weeks had elapsed.

# IN CATILINAM III, i. 3—ii. 4

points from your throats Since I have disclosed, 3  
made clear, and fully recounted these events in the  
senate I will now briefly lay all before you, citizens,  
in order that you who are uninformed and are eager  
for news may know how great and how manifest are  
the things which have been discovered and by what  
means they have been sought out and suppressed.

In the first place, when Catiline burst out of the  
city a few days <sup>a</sup> ago, since he left at Rome the allies  
of his crime and the most implacable leaders of this  
war, I was always watchful and provided, citizens,  
the means by which we might be safe in the midst  
of such great and such secret plots. II. For then at  
the time when I forced Catiline out of the city (for I  
do not now fear the odium of that word ; much more  
to be feared is odium because he went out alive),  
then, I say, when I wished to banish him, I thought  
that either the rest of the gang of his conspirators  
would depart with him or that those who remained  
would be weak and powerless without him. And 4  
when I saw that those men were with us and still  
remaining in Rome, who I knew were inflamed with  
the greatest madness and fury, all my days and nights  
were devoted to this task that I might know and  
see what they were doing and what they were plan-  
ning, in order that, since my speech would have less  
credence with you because of the incredible magni-  
tude of the crime, I might so clinch the matter that  
then at last you would with your whole hearts take  
measures for your own safety, when you saw the  
crime itself with your own eyes. And so when I  
heard that Publius Lentulus had tampered with the  
envoys of the Allobroges, with the idea of starting  
a war on the other side of the Alps and an insurrec-

## CICERO

tandi causa a P. Lentulo esse sollicitatos, eosque in Galliam ad suos civis cum litteris mandatisque eodemque itinere ad Catilinam esse missos, comitemque ns adiunctum esse T. Volturcium, atque huic esse ad Catilinam datas litteras, facultatem nuli oblatam putavi ut, quod erat difficillimum quodque ego semper optabam ab dis immortalibus, tota res non solum a me sed etiam a senatu et a vobis manifesto depre-  
5 henderetur. Itaque hesterno die L. Flaccum et C. Pomptinum praetores, fortissimos atque amantissimos rei publicae viros, ad me vocavi, rem exposui, quid fieri placeret ostendi. Illi autem, qui omnia de re publica praeclara atque egregia sentirent, sine recusatione ac sine ulla mora negotium susceperunt et, cum advesperasceret, occulte ad pontem Mulvium pervenerunt atque ibi in proximis villis ita bipertito fuerunt ut Tiberis inter eos et pons interesset. Eodem autem et ipsi sine cuiusquam suspitione multos fortis viros eduxerant, et ego ex praefectura Reatina compluris delectos adolescentis quorum opera utor adsidue in rei publicae praesidio cum  
6 gladiis miseram. Interim tertia fere vigilia exacta, cum iam pontem Mulvium magno comitatu legati Allobroges ingredi inciperent unaque Volturcius, fit in eos impetus; educuntur et ab illis gladii et a nostris. Res praetoribus erat nota solis, ignorabatur a ceteris. III. Tum interventu Pomptini atque Flacci pugna quae erat commissa sedatur. Litterae

tion in Gaul and that the envoys, after they were sent away to their own citizens in Gaul, with letters and instructions, were, on the same trip, to visit Catiline and that Titus Volturcius was accompanying them and was taking a letter addressed to Catiline, then I thought an opportunity was offered to secure what was most difficult and what I had hoped always from the immortal gods, namely, that the whole matter might be nipped in the bud not only by me but also by the senate and by you. And so yesterday I summoned Lucius Flaccus and Gaius Pomptinus, the praetors, men of great courage and patriotism. I told them the situation, I showed them what I wanted done. And they, men of thoroughly sound and excellent political sentiments, undertook the business without hesitation and without delay. So when it was growing dark, they went secretly to the Mulvian bridge and remained there in the nearest villas in two divisions, with the Tiber and the bridge between them. To the same place, moreover, without anyone's suspecting the fact, they themselves had brought many brave men, and I from the praefecture of Reate had sent a picked detachment of young men armed with swords whose assistance I constantly use in guarding the state. And so about three o'clock in the morning when the envoys of the Allobroges with a great retinue along with Volturcius were beginning to cross the Mulvian bridge, these men fell upon them. They drew their swords, so did our men. Only the praetors understood the situation, the rest were in ignorance. III. Then Pomptinus and Flaccus intervened, and the battle which had begun was brought to an end. All the letters that were in the

quaecumque erant in eo comitatu inlegis signis praetoribus traduntur ; ipsi comprehensi ad me, cum iam dilucesceret, deducuntur. Atque horum omnium scelerum improbissimum machinatorem, Cimbium Gabinum, statim ad me nihilum suspicantem vocavi, deinde item accersitus est L. Statilius et post eum C. Cethegus , tardissime autem Lentulus venit, credo quod in litteris dandis praeter consuetudinem proxima  
7 nocte vigilarat. Cum summis et clauissimis huius civitatis viris qui audita re frequentes ad me mane convenerant litteras a me prius aperiri quam ad senatum deferri placeret, ne, si nihil esset inventum, temere a me tantus tumultus iniectus civitati videretur, negavi me esse facturum ut de periculo publico non ad consilium publicum rem integram deferrem. Etenim, Quirites, si ea quae erant ad me delata reperiata non essent, tamen ego non arbitrabar in tantis rei publicae periculis esse mihi nimiam diligentiam pertimescendam. Senatum frequentem ce-  
8 leriter, ut vidistis, coegi. Atque interea statim admonitu Allobrogum C Sulpicius praetorem, fortem virum, misi qui ex aedibus Cethegi si quid telorum esset efferret, ex quibus ille maximum sicarum numerum et gladiatorum extulit.

IV. Introduxi Volturcium sine Gallis, fidem publicam iussu senatus dedi. Hortatus sum ut ea quae sciret sine timore indicaret. Tum ille dixit,

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\* Elsewhere always called either Gabinus simply or Publius Gabinus.

possession of the detachment were surrendered to the praetors with the seals still unbroken ; the men themselves were arrested and brought to me when dawn was beginning to break I summoned the most infamous contriver of all these crimes, Gabinius Cimber,<sup>a</sup> at once while as yet he suspected nothing. Then Lucius Statilius was also summoned and after him Gaius Cethegus Lentulus came last of all, I suppose because, contrary to his custom, he had been up late the previous night writing letters. Although the 7 most eminent and famous men in this state (a great number had come to me in the morning as soon as they had heard of the affair) urged that I should open the letters before they were taken to the senate in order that I might not seem to have brought such turmoil on the state unjustifiably, if the letters contained nothing of importance, I said that I could take no other course than to refer the whole question of the public safety to the public council. For, citizens, if those statements which I had been told to expect had not been discovered in the letters, still I did not think that in such a crisis in the state I should have to fear that I had been over-zealous. I summoned a full meeting of the senate quickly, as you saw Mean- 8 while, at once, following the advice of the Allobroges, I sent that brave man Gaius Sulpicius, the praetor, to bring from the house of Cethegus any weapons that were there. He brought out of it a very large number of daggers and swords.

IV. I introduced Volturcius without the Gauls ; with the consent of the senate I gave him the public pledge of protection ; I urged him to tell me without fear what he knew. Then, almost before he had

## CICERO

cum vix se ex magno timore recreasset, a P. Lentulo se habere ad Catilinam mandata et litteras, ut seivorum praesidio uteretur, ut ad urbem quam primum cum exercitu accederet; id autem eo consilio ut, cum urbem ex omnibus partibus, quem ad modum discriptum distributumque erat, incendissent caedemque infinitam civium fecissent, praesto esset ille qui et fugientis exciperet et se cum his  
9 urbanis ducibus coniungeret. Introducti autem Gallius iurandum sibi et litteras a Lentulo, Cethego, Statilio ad suam gentem data esse dixerunt, atque ita sibi ab his et a L. Cassio esse praescriptum ut equitatum in Italiam quam primum mitterent; pedestris sibi copias non defuturas. Lentulum autem sibi confirmasse ex fati Sibyllinis haruspicumque responsis se esse tertium illum Cornelium ad quem regnum huius urbis atque imperium pervenire esset necesse. Cinna ante se et Sullam fuisse. Eundemque dixisse fatalem hunc annum esse ad interitum huius urbis atque imperi qui esset annus decimus post virginum absolutionem, post Capitolii autem in-  
10 censionem vicesimus. Hanc autem Cethego cum ceteris controversiam fuisse dixerunt quod Lentulo et aliis Saturnalibus caedem fieri atque urbem incendi placeret, Cethego nimium id longum videretur.

V. Ac ne longum sit, Quirites, tabellas proferi iussimus quae a quoque dicebantur datae. Primo osten-

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<sup>a</sup> The trial of a Vestal Virgin was an ominous event even though she were found innocent. Nothing more is known of this trial.

<sup>b</sup> In 83 B.C.

<sup>c</sup> The Saturnalia began on December 19 and lasted several days. It was a festival characterized by good-fellowship, revelry and licence. Some features of the

recovered from his abject terror, he said that he had from Publius Lentulus instructions and a letter to Catiline urging him to make use of a guard of slaves, and to come with his army to the city as soon as possible. The plan was that they should set fire to the city in every part, just as it had been apportioned and allotted, and kill a vast number of citizens, and that he should then be there ready to intercept the fugitives and to join his leaders from the city. The Gauls were brought in and said that they had been put on their oaths and letters had been given them by Lentulus, Cethegus, and Statilius addressed to their own tribe, and they had been ordered by these men and by Lucius Cassius to send cavalry as soon as possible into Italy: infantry they would not find lacking. Lentulus had assured them that the Sibylline books and soothsayers had promised him that he was that third member of the Cornelian family to whom the rule and the sway of this city was fated to come; Cinna and Sulla had preceded him. He also said that this was the year fated for the destruction of the city and the government, the tenth year after the acquittal of the Vestal Virgins <sup>a</sup> and the twentieth after the burning of the Capitol. <sup>b</sup> They said, moreover, that Cethegus had had this difference of opinion with the other conspirators: Lentulus and the others had thought of beginning the murders and the burning of the city on the Saturnalia, <sup>c</sup> but to Cethegus this had seemed too long to wait.

V. And not to make a long story, citizens, we ordered each man to produce the letters which he said had been given him. First we showed his letter Christmas celebration—*s.g.* the giving of gifts—are inherited from the Saturnalia.



## CICERO

dimus Cethego; signum cognovit. Nos linum incidimus; legimus. Erat scriptum ipsius manu Allobrogum senatui et populo sese quae eorum legis confirmasset facturum esse; orare ut item illi facerent quae sibi eorum legati recepissent. Tum Cethegus, qui paulo ante aliquid tamen de gladiis ac sicis quae apud ipsum erant deprehensa respondisset dixissetque se semper bonorum ferramentorum studiosum fuisse, recitatis litteris debilitatus atque abiectus conscientia repente conticuit. Introductus Statilius cognovit et signum et manum suam. Recitatae sunt tabellae in eandem fere sententiam; confessus est. Tum ostendi tabellas Lentulo et quaesivi cognosceretne signum. Adnuit. "Est vero," inquam, "notum quidem signum, imago avi tui, clarissimi viri, qui amavit unice patriam et civis suos; quae quidem te  
11 a tanto scelere etiam muta revocare debuit." Leguntur eadem ratione ad senatum Allobrogum populumque litterae. Si quid de his rebus dicere vellet, feci potestatem. Atque ille primo quidem negavit; post autem aliquanto, toto iam indicio exposito atque edito, surrexit, quaesivit a Gallis quid sibi esset cum iis, quam ob rem domum suam venissent, itemque a Volturcio. Qui cum illi breviter constanterque respondissent per quem ad eum quotiensque venissent, quaesissentque ab eo nihilne secum esset de fati Sibyllinis locutus, tum ille subito scelere demens quanta conscientiae vis esset ostendit. Nam, cum id

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\* Publius Cornelius Lentulus, consul in 162 B.C. He was wounded in the riot which resulted in the death of C. Gracchus, 121 B.C.

## IN CATILINAM III, v. 10-11

to Cethegus ; he acknowledged his seal. We cut the string ; we read It was written in his own hand to the senate and the people of the Allobroges, stating that he would do what he had promised their envoys. He asked that they also do execute the orders the envoys had received from him A little earlier Cethegus had been questioned about the swords and daggers which had been seized at his house and he had said that he had always been a collector of choice iron weapons Now when his letter was read, overwhelmed and stricken by the force of conscience, he suddenly fell silent Statilius was brought in ; he acknowledged both his seal and his handwriting. His letter was read. Its contents were about the same. He confessed Then I showed his letter to Lentulus and I inquired whether he acknowledged the seal He nodded assent. I said, " It is indeed a seal well-known, the portrait of your grandfather,<sup>a</sup> a very famous man, who loved his fatherland and its citizens with all his heart. This, indeed, even though mute, ought to make you shrink from such a crime " His 11 letter of the same purport to the senate and people of the Allobroges is read I gave him an opportunity to say whatever he wished about these things. At first, however, he refused ; but after some time, when the whole evidence was produced and laid before us, he got to his feet. He inquired of the Gauls and also of Volturcius what business he had with them that brought them to his house. When they answered briefly and firmly, telling through whose agency they had come to him and how often, and when they had inquired of him whether or not he talked with them at all about the Sibylline books, then suddenly crazed by his crime, he showed what power conscience has.

- posset infitiri, repente praeter opinionem omnium confessus est. Ita eum non modo ingenium illud et dicendi exercitatio qua semper valuit sed etiam propter vim sceleris manifesti atque deprehensi impudentia qua superabat omnis improbitasque defecit.
- 12 Volturcius vero subito litteras proferri atque aperiri iubet quas sibi a Lentulo ad Catilinam datas esse dicebat. Atque ibi vehementissime perturbatus Lentulus tamen et signum et manum suam cognovit. Erant autem sine nomine, sed ita : " Quis sim scies ex eo quem ad te misi. Cura ut vir sis et cogita quem in locum sis progressus : et vide quid tibi iam sit necesse et cura ut omnium tibi auxilia adiungas, etiam infimorum." Gabinius deinde introductus, cum primo impudenter respondere coepisset, ad extremum nihil ex iis quae Galli insimulabant negavit.
- 13 Ac mihi quidem, Quirites, cum illa certissima visa sunt argumenta atque indicia sceleris, tabellae, signa, manus, denique unius cuiusque confessio, tum multo certiora illa, color, oculi, voltus, taciturnitas. Sic enim obstupuerant, sic terram intuebantur, sic furtim non numquam inter sese aspiciebant ut non iam ab aliis indicari sed indicare se ipsi viderentur.

VI. Indicus expositis atque editis, Quirites, senatum consului de summa re publica quid fieri placeret. Dictae sunt a principibus acerrimae ac

For although he could have denied this, suddenly, contrary to everyone's expectation, he confessed And so not only that ability and practice in speaking in which he always excelled, but also the boldness and brazenness in which he surpassed everybody failed him, so powerful was the effect of the revelation and detection of this crime. Volturcius, however, 1 suddenly ordered the letter which he said had been addressed to Catiline and given to him by Lentulus to be produced and opened. And then, though most profoundly moved, Lentulus still acknowledged his seal and handwriting. The letter, unsigned, was to this effect: "You will know who I am from him whom I am sending to you. Be brave and consider into what a situation you have brought yourself; and see what you now need and take care to secure for yourself the aid of all, even of the lowest classes." Gabinus was then brought in, and though at first he began to answer boldly, at the last he denied nothing of the charges which the Gauls brought against him. And, citizens, while these things seemed, to me at 1. least, most convincing arguments, and proofs of crime—the pages, the seals, the handwriting and finally the confession of each man—still their pallor, their eyes, their looks, their silence seemed much more certain proof. For they were so dazed, fixed their eyes on the ground, and sometimes cast furtive glances at each other in such a way, that they seemed not to be testified against by others but to be testifying against themselves.

VI. When the evidence had been set forth and duly given, citizens, I asked the senate what measures it pleased them to take for the safety of the state. The chief men offered motions that were very stern and

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fortissimae sententiae, quas senatus sine ulla varietate est secutus Et quoniam nondum est perscriptum senatus consultum, ex memoria vobis, Quirites, quid  
14 senatus censuerit exponam. Primum mihi gratiae verbis amplissimis aguntur, quod virtute, consilio, providentia mea res publica maximis periculis sit liberata Deinde L. Flaccus et C. Pomptinus praetores, quod eorum opera forti fidelique usus essem, merito ac iure laudantur. Atque etiam viro forti, conlegae meo, laus impertitur, quod eos qui huius coniurationis participes fuissent a suis et a rei publicae consilio removisset. Atque ita censuerunt ut P. Lentulus, cum se praetura abdicasset, in custodiam traderetur; itemque uti C. Cethegus, L. Statilius, P. Gabinius, qui omnes praesentes erant, in custodiam traderentur. Atque idem hoc decretum est in L. Cassium, qui sibi procurationem incendendae urbis depoposcerat, in M. Caeparium, cui ad sollicitandos pastores Apuliam attributam esse erat indicatum, in P. Furium, qui est ex iis colonis quos Faesulas L. Sulla deduxit, in Q. Annium Chilonem, qui una cum hoc Furio semper erat in hac Allobrogum sollicitatione versatus, in P. Umbrenum, libertinum hominem, a quo primum Gallos ad Gabinium perductos esse constabat. Atque ea lenitate senatus est usus, Quirites, ut ex tanta coniuratione tantaque hac multitudine domesticorum hostium novem hominum perditissimorum poena re publica conservata reliquorum mentis sanari posse  
15 arbitraretur. Atque etiam supplicatio dis immortalibus

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\* No Roman magistrate could be prosecuted while in office.

### IN CATILINAM III, vi. 13-15

patriotic. These the senate adopted unanimously. And since the resolution of the senate has not yet been written out, I will tell you, citizens, from memory what the senate voted. First thanks were bestowed 14 on me in very generous terms because by my courage, counsel, forethought, the republic had been freed from the greatest dangers. Then Lucius Flaccus and Gaius Pomptinus, the praetors, were justly and rightly praised because they had given me courageous and faithful assistance. Also praise was accorded to that brave man, my colleague, because he had excluded those who were participants in the conspiracy from his personal counsels and from those of the state. And they voted that Publius Lentulus, when he resigned his praetorship,<sup>a</sup> should be given into custody and also that Gaius Cethegus, Lucius Statilius, Publius Gabinus, who were all present, should be given into custody. The same was decreed against Lucius Cassius, who had demanded for himself the supervision of the burning of the city, and against Marcus Caeparius, to whom, it had been shown, the task of raising the shepherds in Apulia had been assigned, against Publius Furius, who is one of those colonists whom Lucius Sulla settled at Faesulae, against Quintus Annius Chilo, who had always been associated with this Furius in tampering with the Allobroges, against Publius Umbrenus, a freedman, who, it was clear, first introduced the Gauls to Gabinus. And the senate used such leniency, citizens, because, though the conspiracy was so large and the number of traitors so great, it thought that the republic would be saved by the punishment of only nine criminals and that the others could be recalled to their loyalty. And also a thanksgiving was decreed 15

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bus pro singulari eorum merito meo nomine decreta est, quod mihi primum post hanc urbem conditam togato contigit, et his decreta verbis est: "quod urbem incendiis, caede civis, Italiam bello liberassem." Quae supplicatio si cum ceteris supplicationibus conferatur, hoc interest quod ceterae bene gesta, haec una conservata re publica constituta est. Atque illud quod faciundum primum fuit factum atque transactum est. Nam P. Lentulus, quamquam patefactis indicus, et confessionibus suis, iudicio senatus non modo praetoris ius verum etiam civis amiserat, tamen magistratu se abdicavit, ut quae religio C. Mario, clarissimo viro, non fuerat, quo minus C. Glauciam de quo nihil nominatim erat decretum praetorem occideret, ea nos religione in privato P. Lentulo puniendo liberaremur.

- 16 VII. Nunc quoniam, Quirites, consceleratissimi periculosissimique belli nefarios duces captos iam et comprehensos tenetis, existimare debetis omnis Catilinae copias, omnis spes atque opes his depulsis urbis periculis concidisse. Quem quidem ego cum ex urbe pellebam, hoc providebam animo, Quirites, remoto Catilina non mihi esse P. Lentuli somnum nec L. Cassi adipem nec C. Cethegi furiosam temeritatem pertimescendam. Ille erat unus timendus ex istis omnibus, sed tam diu dum urbis moenibus continebatur. Omnia norat, omnium aditus tenebat; appellare, temptare, sollicitare poterat, audebat.

to the immortal gods in my honour, because of their unique mercy—an honour which I am the first man in a civil capacity to receive since the founding of the city. And the decree was in these words: "because I had saved the city from fire, the citizens from slaughter, Italy from war." This thanksgiving, compared with others, differs in this: the others were voted for good administration of the state, this alone for saving the state. And that which had to be done first was arranged and accomplished. For although Publius Lentulus, in the judgement of the senate, had lost not only the rights of a praetor, but even the rights of a citizen, after the evidence had been given and he had confessed, still he resigned his office in order that he might suffer punishment as a private citizen and we might thus be freed from that religious scruple which had not prevented that noble man Gaius Marius from killing Gaius Glaucia, while he was praetor, though no action had been taken against him by name.

VII. Now, citizens, since you hold captive and completely in your power the wicked leaders of this most criminal and dangerous war, you ought to think that all the troops of Catiline, all his hopes, and all his resources have failed, once these dangers within the city have been averted. Indeed, when I was driving him out of the city, I foresaw, citizens, that when Catiline was removed we should not have to fear the somnolence of Publius Lentulus, nor the corpulence of Lucius Cassius, nor the mad fury of Gaius Cethegus. He alone was to be feared of all those, but only so long as he was within the walls of the city. He knew everything, he knew how to approach all men. He could and dared summon, tempt, and entice. His



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- Erat ei consilium ad facinus aptum, consilio autem neque lingua neque manus deerat. Iam ad certas res conficiendas certos homines delectos ac discriptos habebat. Neque vero, cum aliquid mandarat, confectum putabat: nihil erat quod non ipse obnet, occurreret, vigilaret, laboraret; frigus, sitim, famem ferre poterat. Hunc ego hominem tam acrem, tam audacem, tam paratum, tam callidum, tam in scelere vigilantem, tam in perditis rebus diligentem nisi ex domesticis insidiis in castrense latrocinium compulsem—dicam id quod sentio, Quirites—, non facile hanc tantam molem mali a cervicibus vestris depulsem. Non ille nobis Saturnalia constituisset neque tanto ante exiti ac fati diem rei publicae denuntiavisset neque commisisset ut signum, ut litterae suae testes manifesti sceleris deprehenderentur. Quae nunc illo absente sic gesta sunt ut nullum in privata domo furtum umquam sit tam palam inventum quam haec tanta in re publica coniuratio manifesto inventa atque deprehensa est. Quodsi Catilina in urbe ad hanc diem remansisset, quamquam, quoad fuit, omnibus eius consiliis occurri atque obstiti, tamen, ut levissime dicam, dimicandum nobis cum illo fuisset, neque nos umquam, dum ille in urbe hostis esset, tantis periculis rem publicam tanta pace, tanto otio, tanto silentio liberassemus.
- 18 VIII. Quamquam haec omnia, Quirites, ita sunt a me administrata ut deorum immortalium nutu atque consilio et gesta et provisa esse videantur. Idque cum coniectura consequi possumus, quod vix videtur humani consilii tantarum rerum gubernatio esse potuisse, tum vero ita praesentes his temporibus opem

thoughts were set on crime and neither his tongue nor his hand failed his thoughts. To accomplish certain things he already had certain men selected and chosen. And when he assigned any task he did not think that it was completed; he supervised, inspected, watched, and toiled for each particular detail. He could bear cold, thirst, and hunger. This man, 17 so bitter, so bold, so ready, so clever, so watchful in crime, so diligent in iniquity, if I had not driven him from plots within the city to a bandits' camp (I shall say what I think, citizens), I could not easily have lifted this burden of disaster from your necks. He would not have appointed the Saturnalia for us, nor so long in advance would he have proclaimed the day of destruction and fate for the state, nor would he have allowed his seal and letters to be seized as clear proof of his crime. As it is, these things were so managed in his absence that no theft in a private house was ever so clearly detected as this great conspiracy in the state has been manifestly disclosed and suppressed. But if Catiline had remained to this day in the city (although as long as he was here I met and checked all his plans), nevertheless, to put it mildly, we should have had to fight to the finish with him, nor ever while that enemy was in the city could we have freed the state from such great danger with such quiet, such peace, and such silence.

VIII And yet I have so conducted all these opera- 18 tions, citizens, that they seem to have been done and foreseen by the will and wisdom of the immortal gods, and not only can we assume this because it seems hardly possible that human reason can have directed matters of such great moment, but also so clearly present in person at this time have the gods brought

et auxilium nobis fulerunt ut eos paene oculis videre possemus. Nam ut illa omittam, visas nocturno tempore ab occidente faces ardoiemque caeli, ut fulminum iactus, ut terrae motus relinquam, ut omit- tam cetera quae tam multa nobis consulibus facta sunt ut haec quae nunc fiunt canere di immortales viderentur, hoc certe, Quirites, quod sum dicturus neque praetermittendum neque relinquendum est.

- 19 Nam profecto memoria tenetis Cotta et Torquato consulibus compluris in Capitolio res de caelo esse percussas, cum et simulacra deorum depulsa sunt et statuae veterum hominum deiectae et legum aera liquefacta et tactus etiam ille qui hanc urbem condidit Romulus, quem inauratum in Capitolio, parvum atque lactentem, uberibus lupinis inhiantem fuisse meministis. Quo quidem tempore cum haruspices ex tota Etruria convenissent, caedis atque incendia et legum interitum et bellum civile ac domesticum et totius urbis atque imperi occasum appropinquare dixerunt, nisi di immortales omni ratione placati suo
- 20 numine prope fata ipsa flexissent Itaque illorum responsis tum et ludi per decem dies facti sunt neque res ulla quae ad placandos deos pertineret praetermissa est. Idemque iusserunt simulacrum Iovis facere maius et in excelso conlocare et contra atque antea fuerat ad orientem convertere; ac se sperare dixerunt, si illud signum quod videtis solis ortum et forum curiamque conspiceret, fore ut ea consilia

aid and assistance to us that we are able almost to see them with our own eyes. For not to speak of these portents, the torches that were seen at night in the west, the glow in the sky, the fall of thunderbolts, the earthquakes, not to speak of the other things, which have taken place in such numbers during my consulship, that the immortal gods seemed to foretell the events which are now come to pass, surely this, citizens, which I am about to mention, certainly ought not to be omitted and passed by in silence. For 19 surely you remember that in the consulship of Cotta and Torquatus <sup>a</sup> many things upon the Capitol were struck by lightning, when the images of the gods were thrown down and the statues of men of olden times were overturned and bronze tablets of the laws were melted and even that statue of Romulus, the founder of this city, was struck, the gilded statue which you remember on the Capitoline, a suckling babe mouthing the udders of a wolf. At this time when the soothsayers had assembled from all Etruria they said that murder and arson and destruction of the laws, a rebellion and civil war, the destruction of the whole city and empire, were approaching unless the immortal gods, placated in every way, by their own power should almost avert the fates themselves. And so in accordance with their answers 20 at that time games were held for ten days and nothing that might placate the gods was left undone. These same men ordered that the statue of Jupiter should be enlarged, and set up on high, and turned toward the rising sun, in the direction opposite to its previous position. And they said that they hoped if this statue, which you see, looked out upon the rising sun, the forum and the senate-house, it would come

- quae clam essent inita contra salutem uerbis atque imperi inlustrarentur, ut a senatu populoque Romano perspicui possent. Atque illud signum conlocandum consules illi locaverunt ; sed tanta fuit operis tarditas ut neque superioribus consulibus neque nobis ante
- 21 hodiernum diem conlocaretur IX. Hic quis potest esse tam aveus a vero, tam praeceps, tam mente captus qui neget haec omnia quae videmus praecipueque hanc urbem deorum immortalium nutu ac potestate administrari ? Etenim cum esset ita responsum, caedis, incendia, interitum rei publicae comparari, et ea per civis, quae tum propter magnitudinem scelerum non nullis incredibilia videbantur, ea non modo cogitata a nefariis civibus verum etiam suscepta esse sensistis. Illud vero nonne ita praesens est ut nutu Iovis Optimi Maximi factum esse videatur, ut, cum hodierno die mane per forum meo iussu et coniurati et eorum indices in aedem Concordiae ducerentur, eo ipso tempore signum statucretur ? Quo conlocato atque ad vos senatumque converso omnia et senatus et vos quae erant contra salutem omnium cogitata inlustrata et patefacta vidistis.
- 22 Quo etiam maiore sunt isti odio supplicioque digni qui non solum vestris domiciliis atque tectis sed etiam deorum templis atque defubris sunt funestos ac nefarios ignis inferre conati. Quibus ego si me resistisse dicam, nimium mihi sumam et non sim ferendus :

to pass that those plans which had secretly been undertaken against the safety of this city and government would come to light so that they might be clearly seen by the senate and the Roman people. And those consuls let the contract for setting up that statue, but so slow was the work that it was not erected during former consulships, nor during our consulship, until this day. IX. But who here can be so blind to the truth, so headstrong, so insane, as to deny that the universe which we see, and especially this city, are ruled by the will and power of the immortal gods? For when the answer had been given that murder, arson, and destruction of the state were being plotted and that too by citizens, such things then seemed incredible to some people because of the magnitude of the crime. But you have seen that these crimes are not only contemplated by wicked citizens, but even undertaken. But is not this, then, something so timely that it seems to be done by the will of Jupiter Optimus Maximus? For when to-day in the morning at my command the conspirators and the witnesses against them were being brought through the forum to the temple of Concord, at that very time the statue was being set up! When this had been placed on its pedestal, and turned toward you and toward the senate, everything which had been plotted against the safety of all of us was, as you and the senate saw, made clear and disclosed. Therefore, those men are worthy of even more hatred and a severer punishment, who have attempted to bring a foul and accursed conflagration not only upon your homes and dwellings but also upon the temples and shrines of the gods. If I should say that I thwarted them I should be taking too much credit to myself and, I should be un-

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ille, ille Iuppiter restitit; ille Capitolium, ille haec templa, ille cunctam urbem, ille vos omnis salvos esse voluit. Dis ego immortalibus ducibus hanc mentem voluntatemque suscepi atque ad haec tanta indicia perveni. Iam vero in illa Allobrogum sollicitatione<sup>1</sup> ab Lentulo ceterisque domesticis hostibus tam dementer tantae res creditae et ignotis et barbaris commissaeque litterae numquam essent profecto, nisi ab dis immortalibus huic tantae audaciae consilium esset ereptum. Quid vero? Ut homines Galli—praeterquam quod nos non pugnando sed tacendo superare potuerunt—ex civitate male pacata, quae gens una restat quae bellum populo Romano facere posse et non nolle videatur, spem imperi ac rerum maximarum ultro sibi a patriciis hominibus oblatam neglegerent vestramque salutem suis opibus anteponerent, id non divinitus esse factum putatis?

- 23 X. Quam ob rem, Quirites, quoniam ad omnia pulvinaria supplicatio decreta est, celebratote illos dies cum coniugibus ac liberis vestris. Nam multi saepe honores dis immortalibus iusti habiti sunt ac debiti, sed profecto iustiores numquam. Erepti enim estis ex crudelissimo ac miserrimo interitu, erepti sine caede, sine sanguine, sine exercitu, sine dimicatione; togati me uno togato duce et imperatore  
24 vicistis. Etenim recordamini, Quirites, omnis civilis dissensiones, non solum eas quas audistis sed eas

<sup>1</sup> in illa Allobrogum sollicitatione *is Reis's suggestion for the MS. reading illa Allobrogum sollicitatio.*

bearable It was Jupiter, that Jupiter, who thwarted them; he has willed that the Capitoline, these temples all the city and all of you should be saved. Under the direction of the immortal gods, citizens, I have persevered in this purpose and this determination and I have come upon this incontestable evidence. For certainly in their intrigue with the Allobroges Lentulus and the other traitors would never have reposed such confidence in men unknown and barbarous, nor would they so rashly have entrusted their letters to them unless the immortal gods had utterly denied discretion to their great audacity. What then? The fact that men of Gaul, a state imperfectly pacified, the only nation now remaining which seems both able and not unwilling to make war upon the Roman people, would disregard the hope of empire and such great rewards voluntarily offered to them by men of noble rank and would set your safety before their own gain, do you think that this happened without divine intervention, especially when it was in their power to conquer us, not by fighting but merely by keeping still?

X. And so, citizens, since a thanksgiving has 23 been decreed at all the shrines, celebrate those days with your wives and children. For often many honours deserved and long due have been decreed to the immortal gods, but certainly none ever more deserved than this. For you have been rescued from a most cruel and wretched death; you have been rescued without slaughter and without bloodshed, without any army, and without any struggle, in the garb of peace you have won the victory, assisted by me alone, your leader and commander clad in the garb of peace. For call to mind, citizens, all the 24 civil wars, not only those of which you have heard,



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quas vosmet ipsi meministis atque vidistis. L. Sulla P. Sulpicium oppressit : eiecit ex urbe C. Marium, custodem huius urbis, multosque fortis viros partim eiecit ex civitate, partim interemit. Cn. Octavius consul armis expulit ex urbe conlegam omnis hic locus acervis corporum et civium sanguine redundavit. Superavit postea Cinna cum Mario tum vero clarissimis viris interfectis lumina civitatis extincta sunt. Ultus est huius victoriae crudelitatem postea Sulla : ne dici quidem opus est quanta deminutione civium et quanta calamitate rei publicae. Dissensit M. Lepidus a clarissimo et fortissimo viro, Q. Catulo : attulit non tam ipsius interitus rei publicae luctum  
25 quam ceterorum. Atque illae dissensiones erant eius modi, Quirites, quae non ad delendam sed ad commutandam rem publicam pertinerent. Non illi nullam esse rem publicam sed in ea quae esset se esse principes, neque hanc urbem conflagrare sed se in hac urbe florere voluerunt. Atque illae tamen omnes dissensiones, quarum nulla exitum rei publicae quaesivit, eius modi fuerunt ut non reconciliatione concordiae sed internecone civium diiudicatae sint. In hoc autem uno post hominum memoriam maximo crudelissimoque bello, quale bellum nulla umquam barbaria cum sua gente gessit, quo in bello lex haec fuit a Lentulo, Gabinio, Cethego, Cassio constituta, ut omnes qui salva urbe salvi esse possent in hostium numero ducerentur, ita me gessi, Quirites, ut salvi omnes conservaremini, et, cum hostes vestri

### IN CATILINAM III, x. 24-25

but those which you yourselves remember and have seen. Lucius Sulla overcame Publius Sulpicius ; he cast out from the city Gaius Marius, the guardian of the city. He slew many brave men, and many he drove out of the state. Gnaeus Octavius, when consul, with arms drove his colleague from the city. All this place was choked with heaps of bodies and the blood of citizens. Afterwards Cinna and Marius prevailed ; then indeed most notable men were killed and the light of the state was extinguished. Lucius Sulla later avenged the cruelty of that victory ; it is not necessary to recall how great was the slaughter of citizens and how great the calamity to the state. Marcus Lepidus quarrelled with Quintus Catulus, a very famous and brave man. Lepidus's death did not bring so much grief to the state as did that of the others involved. And these civil wars, citizens, all 25 aimed, not at the destruction of the state, but at a change in government. These men did not wish that there should be no state at all but that in that state which was to be they should be supreme. They did not wish to burn this city but they wished to have power in this city. Still all these quarrels, none of which sought the destruction of the state, were decided not by a peaceful reconciliation, but by a slaughter of the citizens. In this war, the very greatest and most cruel war within the memory of man, such a war as no barbarous tribe ever waged with its own people, a war in which this rule had been established by Lentulus, Gabinius, Cethegus, Cassius—that all who could be safe while the state was safe should be considered as enemies—in this war I have so conducted myself, citizens, that you all are safe and when your enemies thought that only

tantum civium sūperfuturum putassent quantum infinitae caedi restitisset, tantum autem urbis quantum flamma obire non potuisset, et urbem et civis integros incolumisque servavi

- 26 XI. Quibus pro tantis rebus, Quirites, nullum ego a vobis praemium virtutis, nullum insigne honoris, nullum monumentum laudis postulabo praeterquam huius diei memoriam sempiternam. In animis ego vestris omnis triumphos meos, omnia ornamenta honoris, monumenta gloriae, laudis insignia condi et collocari volo. Nihil me mutum potest delectare, nihil tacitum, nihil denique eius modi quod etiam minus digni adsequi possint. Memoria vestra, Quirites, nostrae res alentur, sermonibus crescent, litterarum monumentis inveterascent et corroborabuntur; eandemque diem intellego, quam spero aeternam fore, propagatam esse et ad salutem urbis et ad memoriam consulatus mei, unoque tempore in hac re publica duos civis exstitisse quorum alter finis vestri imperi non terrae sed caeli regionibus terminaret, alter huius imperi domicilium sedisque servaret.

- 27 XII. Sed quoniam earum rerum quas ego gessi non eadem est fortuna atque condicio quae illorum qui externa bella gesserunt, quod mihi cum iis vivendum est quos vici ac subegi, illi hostis aut interfectos aut oppressos reliquerunt, vestrum est, Quirites, si ceteris facta sua recte prosunt, mihi mea ne quando obsint providere. Mentis enim hominum audacissimorum sceleratae ac nefariae ne vobis nocere possent ego providi, ne mihi noceant vestrum est providere. Quamquam, Quirites, mihi quidem ipsi

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\* Pompey, who had defeated Sertorius in the far west and Mithridates in the remote east.

those citizens would remain who survived an indiscriminate slaughter and only as much of the city as the flames could not envelop, I have preserved both city and citizens safe and sound.

XI. In return for these great services, citizens, I ask from you no reward for courage, no insignia of honour, no monument of praise, except the eternal memory of this day. In your hearts I wish all my triumphs, all decorations of honour, the monuments of glory, the insignia of praise, to be founded and set up. Nothing mute can please me, nothing silent, nothing, finally, that less worthy men can attain. In your memories, citizens, my deeds will be cherished. They will be enhanced by the talk of men. In the monuments of literature they will wax old and strong. I know that the same length of days (I hope it will be eternal) has been destined both for the safety of the city and for the memory of my consulship and that at one time in this state there have been two men one of whom fixed the borders of your empire not by limits of the earth, but by the limits of the sky, the other preserved the home and abiding-place of this empire.

XII. But since the fortune and the lot of the services which I have performed is not the same as the lot of those who have carried on foreign wars—because I have to live with those whom I have overcome and conquered, while they leave their enemies, either killed or subdued—it is your duty, citizens, if others rightly profit by their deeds, to see to it that my deeds may not at some time injure me. I have provided that the criminal and deadly intent of abandoned men shall not injure you; it is your duty to provide that they may not injure me. And yet,

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nihil ab istis iam noceri potest. Magnum enim est in bonis praesidium quod mihi in perpetuum comparatum est, magna in re publica dignitas quae me semper tacita defendet, magna vis conscientiae quam qui neglegunt, cum me violare volent, se ipsi indicabunt. Est enim in nobis is animus, Quirites, ut non modo nullius audaciae cedamus sed etiam omnis improbos ultio semper lacessamus. Quodsi omnis impetus domesticorum hostium depulsus a vobis se in me unum converterit, vobis erit videndum, Quirites, qua condicione posthac eos esse velitis qui se pro salute vestra obtulerint invidiae periculisque omnibus: mihi quidem ipsi quid est quod iam ad vitae fructum possit adquiri, cum praesertim neque in honore vestro neque in gloria virtutis quicquam  
28 videam altius quo mihi lubeat ascendere? Illud perficiam profecto, Quirites, ut ea quae gessi in consulatu privatus tuear atque ornem, ut, si qua est invidia in conservanda re publica suscepta, laedat invidios, mihi valeat ad gloriam. Denique ita me in re publica tractabo ut meminerim semper quae gesserim curemque ut ea virtute, non casu gesta esse videantur.

Vos, Quirites, quoniam iam est nox, venerati Iovem illum, custodem huius urbis ac vestrum, in vestra tecta discedite et ea, quamquam iam est periculum depulsum, tamen aequae ac priore nocte custodiis vigiliisque defendite. Id ne vobis diutius faciundum sit atque ut in perpetua pace esse possitis providebo.

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\* The night of Dec. 2/3.

citizens, no harm can come to me, myself from those men now. For the defence of loyal men counts for much, and that is mine for ever; there is great majesty in the state and it though silent will always defend me; the power of conscience is great, and those who neglect this, wishing to injure me, will be betraying themselves. Such is our spirit, citizens, 28 that we will yield to the effrontery of no man. No, we will even of our own accord ever attack all wicked men. But if all the violence of the traitors, averted from you, shall turn upon me alone, *you* must consider, citizens, in what a situation you wish those hereafter to be who have for your safety exposed themselves to hatred and to dangers of all sorts. As for myself, what is there now which can add to my enjoyment of life, especially when I see no loftier honour that you have to bestow nor any higher pinnacle of glory to which I may wish to ascend? This cer- 29 tainly I will accomplish, citizens, that as a private citizen I may support and dignify the things which I have done in my consulship, so that if odium is incurred in saving the state, it may injure the envious and may redound to my glory. Finally, I will so conduct myself in the state, that I shall always remember what I have done and take care that men will see that it was done by courage and not by chance.

And do you, citizens, since now it is night, give praise to that Jupiter, the guardian of this city and of you, depart to your homes and although the danger is now averted, nevertheless defend them as you did last night <sup>a</sup> with your garrisons and sentinels. I will take care that you shall not have to do this too long and that you may dwell in everlasting peace.

## ORATIO IN CATILINAM QUARTA

### HABITA IN SENATU

- 1 I. Video, patres conscripti, in me omnium vestrum ora atque oculos esse conversos ; video vos non solum de vestro ac rei publicae verum etiam, si id depulsum sit, de meo periculo esse sollicitos. Est mihi iucunda in malis et grata in dolore vestra erga me voluntas, sed eam, per deos immortalis, deponite atque obliiti salutis meae de vobis ac de vestris liberis cogitate. Mihi si haec condicio consulatus data est ut omnis acerbitates, omnis dolores cruciatusque perferrem, feram non solum fortiter verum etiam libenter, dum modo meis laboribus vobis populoque Romano
- 2 dignitas salusque pariatur. Ego sum ille consul, patres conscripti, cui non forum in quo omnis aequitas continetur, non campus consularibus auspiciis consecratus, non curia, summum auxilium omnium gentium, non domus, commune perfugium, non lectus ad quietem datus, non denique haec sella curulis, sedes honoris, umquam vacua mortis periculo atque insidiis fuit. Ego multa tacui, multa pertuli, multa

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<sup>a</sup> Before a consular election could be held, the omens and auspices had to be declared favourable.

## THE FOURTH SPEECH AGAINST LUCIUS SERGIUS CATILINE

DELIVERED IN THE SENATE

I. I SEE, Conscript Fathers, the countenances and eyes of all of you turned toward me. I see that you are anxious, not only about your own danger and that of the state, but also, if that is averted, about my danger. Your goodwill toward me is pleasing in my misfortune and gratifying in my sorrow. But, by the immortal gods, lay it aside and forgetting my safety think of yourselves and your children. For myself, if the consulship was bestowed on me with the condition that I should bear all bitterness, all sorrow, all torture, I will bear them not only with fortitude but even with pleasure provided that by my labours dignity and security are preserved to you and to the Roman people. I am that consul, Conscript Fathers, to whom neither the forum, in which all justice is preserved, nor the Campus Martius, hallowed by the consular auspices,<sup>a</sup> nor the senate-house, the greatest protection of all nations, nor home, the common haven of refuge, nor the couch, a place for rest, nor finally this chair of office, the seat of honour, has ever been free from plots and the peril of death. I have been silent about many things, I have borne much,



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concessi, multa mēo quodam dolore in vestro timore sanavi. Nunc si hunc exitum consulatus mei di immortales esse voluerunt ut vos populumque Romanum ex caede miserrima, coniuges liberosque vestros virginesque Vestalis ex acerbissima vexatione, templa atque delubra, hanc pulcherrimam patriam omnium nostrum ex foedissima flamma, totam Italiam ex bello et vastitate eriperem, quaecumque mihi uni proponetur fortuna subeatur. Etenim si P. Lentulus suum nomen inductus a vatibus fatale ad perniciem rei publicae fore putavit, cur ego non laeter meum consulatum ad salutem populi Romani prope fatalem exstitisse ?

- 3 II. Quare, patres conscripti, consulite vobis, prospicite patriae, conservate vos, coniuges, liberos fortunasque vestras, populi Romani nomen salutemque defendite; mihi parcere ac de me cogitare desinite. Nam primum debeo sperare omnis deos qui huic urbi praesident pro eo mihi ac mereor relaturos esse gratiam; deinde, si quid obtigerit, aequo animo paraloque moriar. Nam neque turpis mors forti viro potest accidere neque immatura consulari nec misera sapienti. Nec tamen ego sum ille ferreus qui fratris carissimi atque amantissimi praesentis maerore non movear horumque omnium lacrimis a quibus me circumsessum videtis. Neque meam mentem non domum saepe revocat exanimata uxor et abiecta metu filia et parvulus filius, quem mihi videtur amplecti res publica tamquam obsidem

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<sup>a</sup> See *Cat. III.* 9.

<sup>b</sup> Quintus, praetor elect.

<sup>c</sup> Terentia, his daughter Tullia was now about thirteen years old and his son Marcus about two.

I have conceded much, with some<sup>e</sup> suffering on my part I have remedied many things that terrified you. Now if the immortal gods have willed this to be the end of my consulship, that I should rescue you and the Roman people from the most miserable death, your wives, your children, and the Vestal Virgins from the cruellest outrage, the temples and shrines, this fairest fatherland of us all from the most terrible conflagration, all Italy from war and devastation, then let me alone endure whatsoever fortune shall have in store. For if Publius Lentulus, convinced by the soothsayers, thought that his name was destined by fate for the destruction of the state,<sup>a</sup> why should not I rejoice that my consulship has been destined almost by fate for the salvation of the Roman people?

II. And so, Conscript Fathers, take counsel for 3 yourselves, protect our country, save yourselves, your wives, your children, your fortunes, defend the name and the safety of the Roman people. Disregard me, and cease to think of me. For in the first place, I ought to hope that all the gods who watch over the city will requite me for this even as I deserve, and then if anything happens to me I shall die with a mind calm and resigned. For a disgraceful death cannot happen to a brave man, nor an untimely death to a man who has attained the consulship, nor a pitiable death to a philosopher. Still I am not so hard-hearted that I am not moved by the sorrow of a brother<sup>b</sup> most dear and most loving here present and by the tears of all these whom you see about me. And often my thoughts are recalled to my home by my terrified wife,<sup>c</sup> and my daughter prostrated with fear, and my little son whom the state seems to me to be embracing as a hostage

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consulatus mei, neque ille, qui exspectans huius exitum diei stat in conspectu meo, gener. Moveor his rebus omnibus, sed in eam partem, uti salvi sint vobiscum omnes, etiamsi me vis aliqua oppresserit, potius quam et illi et nos una rei publicae peste pereamus.

4 Quare, patres conscripti, incumbite ad salutem rei publicae, circumspicite omnis procellas quae impendent, nisi providetis. Non Ti. Gracchus quod iterum tribunus plebis fieri voluit, non C. Gracchus quod agrarios concitare conatus est, non L. Saturninus quod C. Memmium occidit, in discrimen aliquod atque in vestrae severitatis iudicium adducitur: tenentur ii qui ad urbis incendium, ad vestram omnium caedem, ad Catilinam accipiendum Romae restiterunt, tenentur litterae, signa, manus, denique unius cuiusque confessio; sollicitantur Allobroges, servitia excitantur, Catilina accersitur; id est initum consilium ut interfectis omnibus nemo ne ad deplorandum quidem populi Romani nomen atque ad lamentandam tanti imperi calamitatem relinquitur.

5 III. Haec omnia indices detulerunt, rei confessi sunt, vos multis iam iudiciis iudicavistis, primum quod mihi gratias egistis singularibus verbis et mea virtute atque diligentia perditorum hominum coniurationem patefactam esse decrevistis, deinde quod P. Lentu-

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\* Tullia's husband, Gaius Calpurnius Piso. He was not yet a member of the senate and, consequently, was standing in the lobby but within Cicero's line of vision.

<sup>b</sup> It was unlawful to hold the office of tribune for two years in succession.

<sup>c</sup> Memmius was murdered by Saturninus and Glaucia when he was a candidate for the consulship in 100. He had

for my consulship, and by my son-in-law,<sup>a</sup> whom I see standing there waiting the outcome of this day. I am moved by all these things, but to this end—that they all may be safe with you even if some force shall overwhelm me, rather than that both they and we too may perish in the common destruction of the state

And so, Conscript Fathers, bend your energies 4 to the salvation of the state, watch carefully all the storms that threaten unless you forestall them. It is not a case of Tiberius Gracchus brought to trial and to the bar of your severity because he wished to be tribune of the people a second time,<sup>b</sup> nor Gaius Gracchus because he tried to incite to rebellion those interested in a redistribution of the land, nor Lucius Saturninus, because he killed Gaius Memmius<sup>c</sup>; we are holding in custody these men who remained here at Rome to burn the city, to murder all of you, to welcome Catiline, we have their letters, their seals, their handwriting, finally each man's confession. The Allobroges are being seduced, the slaves are being invited to enlist, Catiline is being summoned; thus is their plan—that when all have been killed, no one may be left even to mourn the name of the Roman people and to lament the destruction of so great a government.

III. The witnesses have disclosed all these facts, 5 the criminals have confessed, you by many judicial decisions have already given your verdict: first in that you have thanked me in remarkable terms, and have proclaimed that the conspiracy of traitors was detected by my courage<sup>d</sup> and energy, second in that you forced Publius Lentulus to resign his praetorship, aroused opposition by exposing the men who had accepted bribes from Jugurtha, king of Numidia.

lum se abdicare praetura coegistis ; tum quod eum et ceteros de quibus iudicastis in custodiam dandos censuistis, maximeque quod meo nomine supplicationem decrevistis, qui honos togato habitus ante me est nemini ; postremo hesterno die praenua legis Allobrogum Titoque Volturcio dedistis amplissima. Quae sunt omnia eius modi ut ii qui in custodiam nominatim dati sunt sine ulla dubitatione a vobis damnati esse videantur.

6 Sed ego institui referre ad vos, patres conscripti, tamquam integrum, et de facto quid iudicetis et de poena quid censeatis. Illa praedicam quae sunt consulis. Ego magnum in re publica versari furorem et nova quaedam misceri et concitari mala iam pridem videbam, sed hanc tantam, tam exitiosam haberi coniurationem a civibus numquam putavi. Nunc quicquid est, quocumque vestrae mentes inclinant atque sententiae, statuendum vobis ante noctem est. Quantum facinus ad vos delatum sit videtis. Huic si paucos putatis adfinis esse, vehementer erratis. Latius opinione disseminatum est hoc malum : manavit non solum per Italiam verum etiam transcendit Alpibus et obscure serpens multas iam provincias occupavit. Id opprimi sustentando et prolatando nullo pacto potest ; quacumque ratione placet celeriter vobis vindicandum est.

7 IV. Video duas adhuc esse sententias, unam D. Silani qui censet eos qui haec delere conati sunt morte esse multandos, alteram C. Caesaris qui mortis

then, in that you voted that he and the others on whom you have given judgement, should be given into custody, and especially in that you decreed a thanksgiving in my name—an honour which no one in civil life before me has received ; finally yesterday you gave most generous rewards to the envoys of the Allobroges and to Titus Volturcius. All these things go to prove that you are seen without any doubt to have judged guilty those men who have been given into custody by name.

But I have determined to refer the whole matter <sup>6</sup> to you, Conscript Fathers, as if it were still an open question, both for your judgement on the deed and your decision about the punishment. I will first say that which it befits a consul to say Long ago I saw that a great madness was rife in the state, that new evils were seething and stirring, but I never thought that this conspiracy so great and so deadly was conceived by citizens. Now whatever it is, and whither-soever your purposes and feelings turn, you must make your decision before night. You see what a great crime has been reported to you If you think but few are engaged in it, you are badly mistaken This evil has spread more widely than you think It has penetrated not only through Italy but it has even crossed the Alps, and stealing by obscure paths it has now covered many provinces. It cannot be checked by vacillation and delay · it must be punished swiftly in whatever way may suit your pleasure

IV. I see that up to this point there are two <sup>7</sup> opinions—one of Decimus Silanus, who proposes that those who have attempted to destroy the state should be punished by death—the other of Gaius Caesar, who disapproves the death penalty, but

poenam removeſ, ceterorum suppliciorum omnis acerbitates amplectitur. Uterque et pro ſua dignitate et pro rerum magnitudine in ſumma ſeveritate verſatur. Alter eos qui nos omnis, qui populum Romanum vita privare conati ſunt, qui delere imperium, qui populi Romani nomen exſtinguere, punctum temporis frui vita et hoc communi ſpiritu non putat oportere atque hoc genus poenae ſaepe in improbos civis in hac re publica eſſe uſurpatum recordatur. Alter intellegit mortem a diſ immortalibus non eſſe ſupplicii cauſa conſtitutam, ſed aut neceſſitatem naturae aut laborum ac miſeriarum quietem. Itaque eam ſapientes numquam inviti, fortes ſaepe etiam libenter oppetiverunt. Vincula vero, et ea ſempiterna, certe ad ſingularem poenam nefarii ſcleris inventa ſunt. Municipiis diſpertiri iubet. Habere videtur iſta res iniquitatem, ſi imperare velis, difficultatem, ſi rogare. Decernatur  
8 tamen, ſi placet. Ego enim ſuſcipiam et, ut ſpero, reperiam qui id quod ſalutis omnium cauſa ſtatueritis non putant eſſe ſuae dignitatis recuſare. Adiungit gravem poenam municipiis, ſi quis eorum vincula ruperit; horribilis cuſtodias circumdat et dignas ſcelere hominum perditorum; ſancit ne quis eorum poenam quos condemnat aut per ſenatum aut per populum levare poſſit; eripit etiam ſpem quae ſola homines in miſerius conſolari ſolet. Bona praeterea publicari iubet: vitam ſolam relinquit nefarius hominibus; quam ſi eripuisset, multos una dolores

## IN CATILINAM IV, iv. 7-8

welcomes the infliction of all the other severe punishments. Each in accordance with his own high position and the importance of the issues counsels the greatest severity. Silanus does not think that those who have tried to deprive all of us and the Roman people of life, who have tried to destroy the government and blot out the name of the Roman people, ought to enjoy life and this common air for a moment, and he recalls that this kind of punishment has often been employed in this state against depraved citizens. Caesar is convinced that death has been ordained by the immortal gods not as a punishment but as a necessity of nature or a relief from toil and trouble. And so philosophers have never accepted it unwillingly, brave men often gladly. But imprisonment and that too for life certainly was devised as a notable punishment for foul crimes. He proposes to distribute the prisoners among municipal towns. This course seems to be unfair if you propose to order it, difficult if you wish to request it. Still, let it be enacted if it is your pleasure. I shall try and I hope I shall find those who will think it not consistent with their dignity to refuse that which you order for the safety of all. He proposes a heavy penalty for the municipalities if any of the criminals break their bonds. He surrounds them with grim guards such as the crime of these disgraceful men deserves. He ordains that it may be impossible for anyone, by vote of either the senate or the people, to lighten the penalty of those whom he condemns. He takes away even hope, which alone can console men in their miseries. He further bids their property to be confiscated. He leaves to the wretches life alone. If he had taken that from them he would at the same



animi atque corporis et omnis scelerum poenas ad-emisset. Itaque ut aliqua in vita formido improbis esset proposita, apud inferos eius modi quaedam illi antiqui supplicia impiis constituta esse voluerunt, quod videlicet intellegebant his remotis non esse mortem ipsam pertimescendam.

- 9 V. Nunc, patres conscripti, ego mea video quid intersit Si eritis secuti sententiam C. Caesaris, quoniam hanc is in re publica viam quae popularis habetur secutus est, fortasse minus erunt hoc auctore et cognitore huiusce sententiae mihi populares impetus pertimescendi ; sin illam alteram, nescio an amplius mihi negoti contrahatur Sed tamen meorum periculorum rationes utilitas rei publicae vincat. Habemus enim a Caesare, sicut ipsius dignitas et maiorum eius amplitudo postulabat, sententiam tamquam obsidem perpetuae in rem publicam voluntatis. Intellectum est quid interesset inter levitatem contionatorum et animum vere popularem saluti populi consulentem.
- 10 Video de istis qui se popularis haberi volunt abesse non neminem, ne de capite videlicet civium Romanorum sententiam ferat. Is et nudius tertius in custodiam civis Romanos dedit et supplicationem mihi decrevit et indices hesterno die maximis praemiis adfecit. Iam hoc nemini flubium est, qui reo custodiam, quaesitori gratulationem, indici praemium decrevit quid de tota re et causa iudicavit. At vero

time have relieved them of much suffering of mind and body and all the penalties of their crimes. And so that some fear might confront evil-doers here on earth, those men of ancient time would have it that some punishments of this kind be established among the shades for malefactors, because of course they knew that if these did not exist, death itself would not be dreaded.

V. Now, Conscript Fathers, I see what is to my own interest. If you shall adopt the motion of Gaius Caesar, since he has followed that policy in the state which is regarded as democratic, perhaps I shall have to fear less the popular disfavour because it is he who proposes and supports this motion; but if you adopt that other proposition, probably a large measure of difficulty is in store for me. But still let the exigencies of the state outweigh considerations of my danger. For we have from Caesar, as his own high rank and the distinction of his ancestors demand, a proposal—as it were a pledge of his lasting goodwill toward the state. It is well known what a difference there is between the fickleness of demagogues and a mind really democratic, devoted to the safety of the state. I see that some of those who wish to be considered democratic are absent. Of course, it is because they do not wish to vote on a capital charge involving Roman citizens. The day before yesterday Caesar gave Roman citizens into custody and voted a thanksgiving in my name. And yesterday he bestowed magnificent rewards on the witnesses. Now, then, no one can doubt what he thinks of the affair in general and of this case, who votes a custodian for the defendant, a thanksgiving for the investigator, a reward for the witness. But indeed Gaius Caesar knows that

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C. Caesar intellegit legem Semproniam esse de civibus Romanis constitutam; qui autem rei publicae sit hostis eum civem esse nullo modo posse; denique ipsum latorem Sempioniae legis iniussu<sup>1</sup> populi poenas rei publicae dependisse. Idem ipsum, illum laigitorem et prodigum, non putat, cum de perniciie populi Romani, exitio huius urbis tam acerbe, tam crudeliter cogitant, etiam appellari posse popularem. Itaque homo mitissimus atque lenissimus non dubitat P. Lentulum aeternis tenebris vinculisque mandare et sancit in posterum ne quis huius supplicio levando se iactare et in perniciie populi Romani posthac popularis esse possit. Adiungit etiam publicationem bonorum, ut omnis animi cruciatus et corporis etiam egestas ac mendicitas consequatur.

- 11 VI. Quam ob rem, sive hoc statueritis, dederitis mihi comitem ad contionem populo carum atque iucundum, sive Silani sententiam sequi malueritis, facile me atque vos a crudelitatis vituperatione prohibebo atque obtinebo eam multo leniorem fuisse. Quamquam, patres conscripti, quae potest esse in tanti sceleris immanitate punienda crudelitas? Ego enim de meo sensu iudico. Nam ita mihi salva re publica vobiscum perfrui liceat ut ego, quod in hac causa vehementior sum, non atrocitate animi moveor—quis enim est me mitior?—sed singulari quadam

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<sup>1</sup> iniussu *Buecheler's emendation of the MS reading iussu.*

\* The Sempronian Law, passed in 123, at the instance of Gaius Sempronius Gracchus, provided that no Roman citizen should be put to death without the consent of the people. Cicero's point is that the very man who proposed that law was, in effect, later declared a public enemy and was

there is a Sempronian law enacted for Roman citizens; but he also knows that that man cannot possibly be a citizen who is a public enemy of the state, and further he knows that the author of the Sempronian law himself without the order of the people paid the penalty of death to the state.<sup>a</sup> Nor does he think that this man, prodigal and spendthrift as he is, can be called in any way a friend of the people, when he so eagerly, so ruthlessly planned the ruin of the Roman people and the destruction of this city. And so this most kindly and humane man does not hesitate to consign Publius Lentulus to everlasting darkness and chains and solemnly decrees for the future that no one shall be able to indulge in any boasting by lightening this man's punishment or to ruin the Roman people by showing himself democratic. He even adds a confiscation of their property, that every torture of mind and body, even poverty and want, may be theirs.

VI. Therefore, if you vote for this proposal you <sup>11</sup> will give me a colleague <sup>b</sup> to attend the public meeting who is dear and pleasing to the people. Or if you prefer to adopt the motion of Silanus I shall easily protect myself and you from the charge of cruelty and I will maintain that his proposal was much more merciful. And yet, Conscript Fathers, what cruelty can there be in punishing a crime so inhuman? For I judge by my own feelings. Indeed, so may I live happily with you in a country restored to safety as I am not influenced by cruelty (assuming that I am rather severe in the case—for who is more gentle than I?), but by an exceptional kindness and mercy.

put to death without trial and without an appeal to the people.

<sup>b</sup> i.e. Caesar.

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- humanitate et misericordia. Videor enim mihi videre hanc urbem, lucem orbis terrarum atque aicem omnium gentium, subito uno incendio concidentem. Cerno animo sepulta in patria miseros atque insepultos acervos civium, versatur mihi ante oculos aspectus
- 12 Cethegi et furor in vestra caede bacchantis. Cum vero mihi proposui regnantem Lentulum, sicut ipse se ex fatis sperasse confessus est, purpuratum esse huic Gabinium, cum exercitu venisse Catilinam, tum lamentationem matrum familias, tum fugam virginum atque puerorum ac vexationem virginum Vestalium perhorresco et, quia mihi vehementer haec videntur misera atque miseranda, idcirco in eos qui ea perficere voluerunt me severum vehementemque praebebo. Etenim quaero, si quis pater familias liberis suis a servo interfectis, uxore occisa, incensa domo supplicium de servo non<sup>1</sup> quam acerbissimum sumpserit, utrum is clemens ac misericors an inhumanissimus et crudelissimus esse videatur. Mihi vero importunus ac ferreus qui non dolore et cruciatu nocentis suum dolorem cruciatumque lenierit. Sic nos in his hominibus qui nos, qui coniuges, qui liberos nostros trucidare voluerunt, qui singulas unius cuiusque nostrum domos et hoc universum rei publicae domicilium delere conati sunt, qui id egerunt ut gentem Allobrogum in vestigis huius urbis atque in cinere deflagrati imperi conlocarent, si vehementissimi fuerimus, misericordes habebimur; sin remissiores esse voluerimus, summae nobis crudelitatis in
- 13 patriae civiumque pernicië fama subeunda est. Nisi vero cuiquam L. Caesar, vir fortissimus et amantissimus

<sup>1</sup> non *not in the MSS. added by Lambinus and accepted by all editors.*

<sup>a</sup> *Purpuratus*, "clad in purple," indicates an important official at a royal court.

## IN CATILINAM IV, vi. 11-13

For I seem to see this city, the light of the whole world and the fortress of all the nations, suddenly involved in one general conflagration. In my imagination I see on the grave of the fatherland the wretched, unburied heaps of citizens. Before my eyes there rises the countenance of Cethegus and his madness as he revels in your death. But when I have pictured 12 to myself Lentulus reigning in state, as he admitted he hoped to do according to the decree of fate, his Gabinius clad in royal purple,<sup>a</sup> Catiline there with an army, then I shudder at the outcries of mothers, the panic of girls and boys, the assault on the Vestal Virgins, and because these acts seem to me pitiful and deserving of pity, therefore I am stern and relentless against those who have wished to bring these things to pass. For, I ask you, if a father whose children had been killed by a slave, his wife slain, his house burned, did not inflict the most severe punishment on that slave, would he seem mild and merciful or most inhuman and cruel? To me at least he seems unfeeling and hard-hearted who would not assuage his sorrow and suffering by the sorrow and suffering of the criminal. So we in the case of these men who have wished to murder us, our wives, our children, who have tried to destroy all our homes and this common dwelling of the state, who have done this that they may set up the tribe of the Allobroges amid the ruins of this city and on the ashes of a burnt-out empire, if we shall be most stern we shall be considered merciful; but if we shall wish to be more lenient we must endure the reputation of being most cruel when the destruction of the fatherland and the citizens was at stake. Unless 13 perhaps anyone thought Lucius Caesar, a very brave

rei publicae, crudelior nudius tertius visus est, cum sororis suae, feminae lectissimae, virum praesentem et audientem vita privandum esse dixit, cum avum suum iussu consulis interfectum filumque eius imuberem legatum a patre missum in carcere necatum esse dixit. Quorum quod simile factum, quod initum delendae rei publicae consilium? Largitionis voluntas tum in re publica versata est et partium quaedam contentio. Atque illo tempore huius avus Lentulus, vir clarissimus, armatus Gracchum est persecutus. Ille etiam grave tum vulnus accepit, ne quid de summa rei publicae minueretur, hic ad evertenda fundamenta rei publicae Gallos accersit, servitia concitat, Catilinam vocat, attribuit nos trucidandos Cethego et ceteros civis interficiendos Gabinio, urbem inflammandam Cassio, totam Italiam vastandam diripiendamque Catilinae. Videamini censeo ne in hoc scelere tam immani ac nefando nimis aliquid severe statuisse videamini: multo magis est verendum ne remissione poenae crudeles in patriam quam ne severitate animadversionis nimis vehementes in acerbissimos hostis fuisse videamur.

- 14 VII. Sed ea quae exaudio, patres conscripti, dissimulare non possum. Iaciuntur enim voces quae perveniunt ad auris meas eorum qui vereri videntur ut habeam satis praesidi ad ea quae vos statueritis hodierno die transigunda. Omnia et provisa et

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<sup>a</sup> The conspirator, Lentulus, was the husband of Lucius Caesar's sister, Julia.

<sup>b</sup> Marcus Fulvius Flaccus, put to death by the consul Opimius, who also slew in prison Flaccus's son, a boy of eighteen, sent by his father to offer terms of reconciliation.

<sup>c</sup> See *Cat.* III. 10.

man most devoted to the state, too cruel the day before yesterday when he said in the presence and in the hearing of the husband <sup>a</sup> of his sister, a most charming lady, that he deserved to be put to death, and he said also that his own grandfather <sup>b</sup> had been killed by the order of the consul, and his uncle, though but a youth and though sent by his own father as an envoy, had been put to death in prison. What act of theirs was to be compared with the deeds of the conspirators? What plan to destroy the state had they entered upon? A disposition for lavish expenditures was then common in the state and a sort of party rivalry. And at that time the grandfather <sup>c</sup> of this Lentulus, that famous man, took arms and withstood Gracchus. That Lentulus even suffered a severe wound then that the dignity of the state might in no way be impaired. This Lentulus summons the Gauls to overturn the foundations of the state, he instigates the slaves, he invites Catiline, he assigns us to Cethegus to be murdered, the other citizens to Gabinius to be slaughtered, the city to Cassius to be burned, all Italy to Catiline to be devastated and plundered. You are afraid, I suppose, that you would seem to take too severe measures against this crime so awful and so unspeakable. Much more should we fear that by the mildness of our punishment we should seem to have been cruel to our fatherland than by the severity of our vengeance too stern toward these most bitter public enemies.

VII. But I cannot pretend that I fail to hear those <sup>14</sup> reports that come to my ears. For words are uttered which come to my hearing by those who seem to fear that I may not have guards enough to accomplish the measures you have voted to-day. All things have



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parata et constituta sunt, patres conscripti, cum mea summa cura atque diligentia tum etiam multo maiore populi Romani ad summum imperium retinendum et ad communis fortunas conservandas voluntate. Omnes adsunt omnium ordinum homines, omnium generum,<sup>1</sup> omnium denique aetatum; plenum est forum, plena templa circum forum, pleni omnes aditus huius templi ac loci. Causa est enim post urbem conditam haec inventa sola in qua omnes sentirent unum atque idem praeter eos qui cum sibi viderent esse pereundum, cum omnibus potius quam soli perire  
 15 voluerunt. Hosce ego homines excipio et secerno libenter neque in improborum civium sed in acerbissimorum hostium numero habendos puto. Ceteri vero, di immortales! qua frequentia, quo studio, qua virtute ad communem salutem dignitatemque consentiunt! Quid ego hic equites Romanos commemorem? Qui vobis ita summam ordinis consilique concedunt ut vobiscum de amore rei publicae certent; quos ex multorum annorum dissensione huius ordinis ad societatem concordiamque revocatos hodiernus dies vobiscum atque haec causa coniungit. Quam si coniunctionem in consulatu confirmatam meo perpetuam in re publica tenuerimus, confirmo vobis nullum posthac malum civile ac domesticum ad ullam rei publicae partem esse venturum. Pari studio defendundae rei publicae convenisse video tribunos aerearios, fortissimos viros; scribas item universos, quos, cum casu hic dies ad aerarium frequentasset,

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<sup>1</sup> omnium generum *omitted in the MSS. added by Putsche.*

<sup>a</sup> The question at issue was: "Which order, senators or knights, should sit as jurors in criminal trials?" The privilege formerly possessed by the senators only was granted

## IN CATILINAM IV, vii. 14-15

been foreseen, prepared, and determined, Conscript Fathers, not only with the greatest care and energy on my part but also by the much greater determination of the Roman people to retain their government at its height and to save the common fortunes. All men are here, of every order, of all classes, even of all ages. The forum is crowded, the temples about the forum are crowded, all the approaches to this temple and place are crowded. This is the only known case since the founding of the city in which all men absolutely agree, except those who, since they see that they must die, prefer to die in a universal massacre rather than to perish alone. These men I except and 15 I gladly set them apart, nor do I think that they should be classed as wicked citizens merely but as most deadly enemies. But the rest, immortal gods, in what crowds, with what eagerness, with what courage, do they unite for the common safety and glory! What should I say here of the Roman knights? Though they concede to you the chief place in rank and counsel, they vie with you in love of the state. After a strife with this order<sup>a</sup> lasting for many years, this day and this case have recalled them to a cordial alliance and have joined them to you. And if we shall maintain for ever in the state this union consummated in my consulship, I assure you that hereafter no civil and domestic strife will come to any part of the state. I see the same passion to defend the state has brought together those brave men, the tribunes of the treasury. I see that all the clerks, too, whom chance this day had brought to the treasury in large to the knights by Gaius Gracchus in 122. Sulla restored it. In 70 the *Lex Aurelia* divided the jurors equally between the two orders. This law ranked the tribunes of the treasury (*tribuni aerarii*) next below the knights. Their duty was to collect and pay over the taxes levied for the army. Just what their function was in Cicero's time is not known.

video ab expectatione sortis ad salutem communem  
 16 esse conversos. Omnis ingenuorum adest multitudo,  
 etiam tenuissimorum. Quis est enim cui non haec tem-  
 pla, aspectus urbis, possessio libertatis, lux denique  
 haec ipsa et commune patriae solum cum sit carum  
 tum vero dulce atque iucundum? VIII. Operae  
 pietum est, patres conscripti, libertinorum homi-  
 num studia cognoscere qui, sua virtute fortunam  
 huius civitatis consecuti, vere hanc suam patriam esse  
 iudicant quam quidam hic nati, et summo nati loco,  
 non patriam suam sed urbem hostium esse iudica-  
 verunt. Sed quid ego hosce ordines hominesque  
 commemoro quos privatae fortunae, quos communis  
 res publica, quos denique libertas ea quae dulcissima  
 est ad salutem patriae defendendam excitavit? Ser-  
 vus est nemo, qui modo tolerabili condicione sit servi-  
 tutis, qui non audaciam civium perhorrescat, qui non  
 haec stare cupiat, qui non quantum audet et quan-  
 17 tum potest conferat ad salutem voluntatis. Quare si  
 quem vestrum forte commovet hoc quod auditum est,  
 lenonem quendam Lentuli concursare circum tabernas,  
 pretio sperare sollicitum posse animos egentium atque  
 imperitorum, est id quidem coeptum atque tempta-  
 tum, sed nulli sunt inventi tam aut fortuna miseri  
 aut voluntate perditii qui non illum ipsum sellae atque  
 operis et quaestus cotidiani locum, qui non cubile ac  
 lectulum suum, qui denique non cursum hunc otio-  
 sum vitae suae salvum esse velint. Multo vero  
 maxima pars eorum qui in tabernis sunt, immo vero  
 —id enim potius est dicendum—genus hoc univer-  
 sum amantissimum est oti. Etenim omne instrumen-

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\* On December 5, the day this speech was made, the quaestors drew lots at the treasury for their positions. Their clerks (*scribes*) attended the drawing with them.

numbers, have turned their attention from the allotment of places to the common safety <sup>a</sup> The whole 16 crowd of freeborn men is here, even those of slender means For who is there to whom these temples, the sight of the city, the possession of liberty, finally this light itself and the common soil of the fatherland are not dear and sweet and delightful ? VIII. It is worth while, Conscript Fathers, to note the eagerness of the freedmen, who by their own efforts have won a place in this state and rightly judge it to be their fatherland, while some born here and born in high rank have judged it to be, not their fatherland, but a city of the enemy. But why do I speak of these orders and of these men, whom private fortunes, the commonwealth, and finally that liberty which is most sweet, draw to the defence of the common safety ? There is no slave—provided his condition of slavery is tolerable—who does not shudder at the boldness of these citizens, who does not wish these things to abide, who does not contribute as much goodwill as he dares and can to the common safety So if by 17 chance any one of you is moved by this rumour which is being circulated, that a pimp of Lentulus is making the rounds of the shops, hoping that he can by money win over the support of the poor and inexperienced—this was begun and tried, but none was found either so wretched in fortune or so abandoned in desire who did not wish this place of daily work and toil and gain, his own couch and bed, and finally this peaceful course of life, to be safe. But much the greater part of those who are in the shops, nay more—for this should rather be said—this entire class, is most fond of peace For their whole stock, their work, and livelihood is

tum, omnis operæ atque quaestus frequentia civium sustentatur, alitur otio ; quorum si quaestus occlusis tabernis minui solet, quid tandem incensis futurum fuit ?

- 18 Quae cum ita sint, patres conscripti, vobis populi Romani praesidia non desunt : vos ne populo Romano deesse videamini providete. IX. Habetis consulem ex plurimis periculis et insidiis atque ex media morte non ad vitam suam sed ad salutem vestram reservatum. Omnes ordines ad conservandam rem publicam mente, voluntate, voce consentiunt. Obsessa facibus et telis impiae coniurationis vobis supplex manus tendit patria communis ; vobis se, vobis vitam omnium civium, vobis arcem et Capitolium, vobis aras Penatium, vobis illum ignem Vestae sempiternum, vobis omnium deorum templa atque delubra, vobis muros atque urbis tecta commendat. Praeterea de vestra vita, de coniugum vestrarum atque liberorum anima, de fortunis omnium, de sedibus, de focis vestris hodierno die vobis iudicandum est.
- 19 Habetis ducem memorem vestri, oblitum sui, quae non semper facultas datur ; habetis omnis ordines, omnis homines, universum populum Romanum, id quod in civili causa hodierno die primum videmus, unum atque idem sentientem. Cogitate quantis laboribus fundatum imperium, quanta virtute stabilitam libertatem, quanta deorum benignitate auctas exaggeratasque fortunas una nox paene deleverit. Id ne umquam posthac non modo confici sed ne cogitari quidem possit a civibus hodierno die providendum est. Atque haec, non ut vos qui mihi studio paene

supported by the intercourse of the citizens, fostered by peace ; if their profits are diminished when the shops are closed, what, pray, would have happened if they had been burned ?

Since these things are so, Conscript Fathers, the 18  
guards of the Roman people do not fail you . do you see to it that you do not seem to fail the Roman people IX. You have a consul who has been saved from many dangers and plots and from the jaws of death not for his own sake but for your preservation. All the orders are united in purpose, heart, and voice to save the state. Our country beset with the torches and weapons of an infamous conspiracy, in supplication, to you holds out her hands. To you she commends herself, to you the lives of all the citizens, to you the citadel and the Capitol, to you the shrines of her household gods, to you that undying fire of Vesta, to you the temples and shrines of all the gods, to you the walls and the dwellings of our city. Moreover, to-day on your decision hang your lives, the lives of your wives and children, the fortunes of all, your houses and firesides. You 19  
have a leader mindful of you, forgetful of himself—an advantage not always given ; you have the support of all orders, of all men, of the whole Roman people—a thing which we see for the first time to-day in a political matter—in absolute agreement. Think how one night almost destroyed the government founded by such toil, liberty established by such bravery, our fortunes increased and grown great by such kindness of the gods. To-day care must be taken that never hereafter may citizens be able to accomplish this or even think of it. And I have said these things not to excite you who often outrun

praecurritis excisarem, locutus sum, sed ut mea vox quae debet esse in re publica princeps officio functa consulari videretur.

- 20 X. Nunc antequam ad sententiam redeo, de me pauca dicam. Ego, quanta manus est coniuratorum, quam videtis esse perimagnam, tantam me inimicorum multitudinem suscepisse video, sed eam esse iudico turpem et infamam et abiectam. Quodsi aliquando alicuius furore et scelere concitata manus ista plus valuerit quam vestra ac rei publicae dignitas, me tamen meorum factorum atque consiliorum nunquam, patres conscripti, paenitebit. Etenim mors quam illi fortasse minitantur omnibus est parata; vitae tantam laudem quanta vos me vestris decretis honestastis nemo est adsecutus; ceteris enim bene gesta, mihi uni conservata re publica gratulationem
- 21 decrevistis. Sit Scipio clarus ille cuius consilio atque virtute Hannibal in Africam redire atque Italia decedere coactus est; ornatur alteri eximia laude Africanus qui duas urbis huic imperio infestissimas, Carthaginem Numantiamque, delevit, habeatur vir egregius Paulus ille cuius currum rex potentissimus quondam et nobilissimus Perses honestavit; sit aeterna gloria Marius qui bis Italiam obsidione et metu servitutis liberavit; anteponatur omnibus Pompeius cuius res gestae atque virtutes isdem quibus solis cursus regionibus ac terminis continentur: erit profecto inter horum laudes aliquid loci nostrae gloriae, nisi forte minus est patefacere nobis provincias quo exire possimus quam curare ut etiam illi qui

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\* Several senators had already offered motions. See Introduction

<sup>b</sup> By defeating the two Germanic tribes, the Teutones in 102 the Cimbri in 101.

me in your zeal, but that my voice which should be first in the state may be seen to perform the function required of a consul

X. Now before I turn to ask your opinions further,<sup>a</sup> 20 I shall speak briefly about myself. I see that I have made for myself as many enemies as there are conspirators—a very large number as you see. But I judge them base, weak and powerless. However if at some time that band, incited by the mad fury of someone, shall have more power than your prestige and the prestige of the state, nevertheless, Conscript Fathers, I will never regret my deeds and my advice. For death which they perhaps threaten awaits all men, no one in his lifetime has attained such praise as you have bestowed on me by your decrees. You have decreed a thanksgiving to others for serving the state well, to me alone for preserving it. Granted 21 that Scipio be famous, by whose wisdom and valour Hannibal was compelled to leave Italy and return to Africa; granted that the other Africanus who destroyed two cities of our greatest enemies, the cities of Carthage and Numantia, be exalted with especial praise; granted that that noble Paulus be a man renowned, whose triumph the once powerful and noble king Perseus adorned; granted that Marius have eternal glory who twice freed Italy from siege and the fear of slavery<sup>b</sup>; granted that Pompey outrank them all, whose deeds and virtues are limited only by those regions and boundaries that confine the course of the sun. certainly there will be amid the praise of these men some place for my glory, unless perhaps it is a greater thing to lay open for ourselves provinces to which we may go forth than to take care that those who have gone forth may have a place to



22 absunt habeant quo victores revertantur. Quamquam est uno loco condicio melior externae victoriae quam domesticae, quod hostes alienigenae aut oppressi serviunt aut recepti beneficio se obligatos putant; qui autem ex numero civium dementia aliqua depravati hostes patriae semel esse coeperunt, eos, cum a perniciē rei publicae reppuleris, nec vi coercere nec beneficio placare possis. Quare mihi cum perditis civibus aeternum bellum susceptum esse video. Id ego vestro bonorumque omnium auxilio memoriaque tantorum periculorum, quae non modo in hoc populo qui servatus est sed in omnium gentium sermonibus ac mentibus semper haerebit, a me atque a meis facile propulsari posse confido. Neque ulla profecto tanta vis reperietur quae coniunctionem vestram equitumque Romanorum et tantam conspirationem bonorum omnium confringere et labefactare possit.

23 XI. Quae cum ita sint, pro imperio, pro exercitu, pro provincia quam neglexi, pro triumpho ceterisque laudis insignibus quae sunt a me propter urbis vestraeque salutis custodiam repudiata, pro clientelis hospitibusque provincialibus quae tamen urbanis opibus non minore labore tueor quam comparo, pro his igitur omnibus rebus, pro meis in vos singularibus studiis proque hac quam perspicitis ad conservandam rem publicam diligentia nihil a vobis nisi huius temporis totiusque mei consulatus memoriam postulo: quae dum erit in vestris fixa mentibus, tutissimo me muro saeptum esse arbitrabor. Quodsi meam spem

which they may victoriously return. And yet in 22 one respect a victory won abroad is better than a victory over rebels, in that foreign enemies are either conquered and become slaves, or else are accepted as friends and think they are bound by an obligation of kindness ; but those of our own citizens, who, smitten by some madness, have once become incorrigible enemies of our country, when you thwart them in their desire to destroy the state, you can neither coerce them by force nor win them by kindness. So I see that I have taken up an unending war with wicked citizens. This I trust can easily be averted from me and mine by your aid and that of all upright men, and by the memory of these great dangers which will always abide, not only among this people who have been saved, but in the words and thought of all nations. And certainly no force will ever be found great enough to break and dissolve your union with the Roman knights, and this complete concord among all upright men

XI. Since these things are so, in return for the 23 power, the army, the province which I have renounced, for the triumph and the other insignia of distinction which I have refused that I might care for the safety of the city and of you, in return for the clients and my friendly relations with provincials which by my influence in the city I maintain with no less labour than I spend in securing them, in return for all these things then, for my unparalleled ardour in your behalf and for the watchfulness with which you see me preserving the state I ask nothing of you, except that you remember this time and all my consulship. For so long as that remains fixed in your minds, I shall think I am surrounded by an impregnable wall.

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vis improborum fefellerit atque superaverit, commendando vobis parvum meum filium, cui profecto satis erit praesidi non solum ad salutem verum etiam ad dignitatem, si eius qui haec omnia suo solius periculo  
24 conservavit illum filium esse memneritis Quapropter de summa salute vestra populi que Romani, de vestris coniugibus ac liberis, de aris ac focis, de fanis atque templis, de totius urbis tectis ac sedibus, de imperio ac libertate, de salute Italiae, de universa re publica decernite diligenter, ut instituistis, ac fortiter. Habetis eum consulem qui et parere vestris decretis non dubitet et ea quae statueritis, quoad vivet, defendere et per se ipsum praestare possit.

IN CATILINAM IV, xi. 23-24

But if the power of criminals shall disappoint my expectation and shall triumph, I commend to you my little son who will certainly have enough protection, not only for his safety but also for his career, if you will but remember that he is the son of the man who saved the entire state, risking himself alone. There- 24  
fore, carefully and bravely, as you have begun, take measures for the protection of yourselves and the Roman people, for your wives and your children, for your altars and your hearths, for the shrines and the temples, for the dwellings and homes of the entire city, for the government and for liberty, for the safety of Italy, for the whole state. You have a consul who does not hesitate to obey your orders, who can uphold your decrees as long as he shall live and who can by himself warrant their accomplishment.

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THE SPEECH IN DEFENCE OF  
LUCIUS LICINIUS MURENA



## INTRODUCTION

LUCIUS LICINIUS MURENA belonged to a plebeian family from the ancient town of Lanuvium.<sup>a</sup> They had never held an office higher than the praetorship to which his great-grandfather and his grandfather<sup>b</sup> had been elected. His father, Lucius Murena, had served with some distinction as Sulla's lieutenant at Chaeronea and Mitylene. He had been left by Sulla in charge of affairs in Asia where he had provoked the second war with Mithridates. Despite Cicero's flattering allusions to this campaign<sup>c</sup> he was badly beaten.<sup>d</sup> He was, however, allowed to celebrate a triumph in which his son took part.<sup>e</sup>

His son served on the father's staff in Asia with distinction and modesty, if we may trust Cicero.<sup>f</sup> Returning to Rome he was elected to the quaestorship, which he held during an uneventful term.<sup>g</sup> Servius Sulpicius was one of his colleagues. He then served again in Asia against Mithridates, this time on the staff of Lucullus. Official dispatches attested the excellence of his service.<sup>h</sup> He was praetor in 65, Sulpicius again being one of his colleagues. With one eye on the consulship he was lavish in celebrating games.<sup>i</sup> In 64 he was propraetor of Transalpine

<sup>a</sup> Sects. 15 and 90.

<sup>d</sup> Appian, *Mith.* 64.

<sup>e</sup> Sect. 18

<sup>b</sup> Sect. 15.

<sup>c</sup> Sect. 11.

<sup>h</sup> Sect. 20.

<sup>g</sup> Sect. 12.

<sup>f</sup> Sect. 11.

<sup>i</sup> Sect. 38.



## INTRODUCTION

Gaul. The next year, leaving his brother Gaius in charge of his province, he returned to Rome to stand for the consulship.

There were four candidates for the consulship for the year 62, Decimus Silanus, Servius Sulpicius, Lucius Murena, Lucius Catilina. So alarming had the activities of Catiline become that Cicero as consul for the year 63 had secured the passage of a law increasing the penalties for bribery at elections.<sup>a</sup> The election was deferred by order of the senate because of Catiline's activities, but when subsequently held resulted in the choice of Decimus Silanus and Lucius Murena.

Cato, a great-grandson of the old red-haired censor and something of a chip off the old block, had already given notice that he would prosecute the successful candidates, whoever they were, because bribery had been so freely used by all. Decimus Silanus was, however, his brother-in-law and Cato so far forgot his Stoic principles as to forgo prosecuting him. He did, however, join with the defeated candidate, Servius Sulpicius, who was an eminent jurist, and two otherwise unknown young men, Gaius Postumus and Servius Sulpicius (perhaps a son of the jurist), in prosecuting Murena for bribery.

Murena was defended by Cicero, Quintus Hortensius (next to Cicero the leader of the Roman bar) and by Marcus Licinius Crassus, later a member of the First Triumvirate.

Cicero treats the accusation of bribery in a rather sketchy fashion. It would probably not bear any other treatment. He emphasizes the danger to the state should Murena be disqualified and Catiline

<sup>a</sup> Sects. 46, 47.

## INTRODUCTION

given office. With a light touch he satirizes the quibbles and fictions of the legal profession of which Sulpicius was the bright particular star. He humorously shows the absurdities of the Stoic doctrine, surprising the court by contrasting the rigour of Cato with the mild manners of his great ancestor. And so without offending his friends of the prosecution he successfully laughed the case out of court.

The speech for Murena was delivered during the latter part of November 63, after the second oration against Catiline and before the third. Murena was acquitted and held the consulship for the year 62.

## MANUSCRIPTS

The manuscripts of the speech in behalf of Murena are derived from a manuscript discovered by Poggio at Cluny about 1415, taken by him to Italy and there lost. The best copy of it is Parisinus 14749. The excerpts of Bartolommei de Monte Poltiano contained in the Codex Laurentianus XLVIII, 10, "A.D. 1415"; and Codex Perusinus E 71, "A.D. 1416," are also valuable.

## EDITIONS

Text : H. Kasten, Leipzig, 1932, Clark, Oxford, 1905.

Text with commentary : (all the orations) in German, R. Klotz (1832, etc.) ; in English, G. Long (1861-58).

Text of the *Pro Murena* with German commentary, Koch-Landgraf (Leipzig, 1928) ; with English commentary, Johnston (Chicago, 1891) ; Heitland (Cambridge, 1903).

## PRO L. MURENA ORATIO

- 1 I. Quod precatus ab dis immortalibus sum, iudices, more institutoque maiorum illo die quo auspiciato comitus centuriatis L Murenā consulem renuntiavi, ut ea res mihi, fidei magistratuique meo, populo plebique Romanae bene atque feliciter eveniret, idem precor ab isdem dis immortalibus ob eiusdem hominis consulatū una cum salute obtinendum, et ut vestrae mentes atque sententiae cum populi Romani voluntatibus suffragisque consentiant, eaque res vobis populoque Romano pacem, tranquillitatem, otium concordiamque adferat. Quodsi illa sollemnis comitiorum precatio consularibus auspiciis consecrata tantam habet in se vim et religionem quantam rei publicae dignitas postulat, idem ego sum precatus ut eis quoque hominibus quibus hic consulatus me rogante datus esset ea res fauste feliciter prospereque eveniret.
- 2 Quae cum ita sint, iudices, et cum omnis deorum immortalium potestas aut translata sit ad vos aut certe communicata vobiscum, idem consulem vestrae fidei commendat qui antea dis immortalibus com-

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<sup>a</sup> The *comitia centuriata* was the assembly of the Roman People by *centuriae*—military units—for purposes of voting on legislative proposals and for the election of magistrates.

## AN ORATION IN DEFENCE OF LUCIUS MURENA

I EVEN as I prayed to the immortal gods, gentle- 1  
men, after the manner and custom of our ancestors  
on that day when, having taken the auspices, I  
announced to the *comitia centuriata* <sup>a</sup> the election of  
Lucius Murena, that this might be an event fair and  
fortunate for me, my honour and my office, for the  
people and the plebs of Rome—so now again I pray  
to the same immortal gods to assure to this same man  
the consulship, together with his acquittal, and I pray  
that your inclinations and your decisions may agree  
with the wishes and the votes of the Roman people,  
and that this may bring to you and the Roman people  
peace, tranquillity, quiet, and concord But if that  
prayer, customary at elections and consecrated by the  
consular auspices, has in it as much power and sacred-  
ness as the dignity of the state demands. I also prayed  
that for these men too, to whom this office of consul  
had been given under my presiding care, this event  
might have an issue favourable, fortunate, and fair.  
Since these things are so, gentlemen, and since all 2  
the power of the immortal gods has either been trans-  
ferred to you or at least shared with you, that same  
man commends to your protection Lucius Murena  
as consul who formerly commended him to the

## CICERO

mendavit, ut etusdem hominis voce et declaratus consul et defensus beneficium populi Romani cum vestra atque omnium civium salute tueatur.

Et quoniam in hoc officio studium meae defensionis ab accusatoribus atque etiam ipsa susceptio causae reprehensa est, antequam pro L. Murena dicere instituo, pro me ipso pauca dicam, non quo mihi potior hoc quidem in tempore sit officii mei quam huiusce salutis defensio, sed ut meo facto vobis probato maiore auctoritate ab huius honore, fama fortunisque omnibus inimicorum impetus propulsare possim.

- 3 II. Et primum M. Catoni vitam ad certam rationis normam derigenti et diligentissime perpendenti momenta officiorum omnium de officio meo respondebo. Negat fuisse rectum Cato me et consulem et legis ambitus latorem et tam severe gesto consulatu causam L. Murenæ attingere Cuius reprehensio me vehementer movet, non solum ut vobis, iudices, quibus maxime debeo, verum etiam ut ipsi Catoni, gravissimo atque integerrimo viro, rationem facti mei probem. A quo tandem, M. Cato, est aequius consulem defendi quam a consule? Quis mihi in re publica potest aut debet esse coniunctior quam is cui res publica a me universa traditur sustinenda magnis meis laboribus et periculis sustentata? Quodsi in his rebus repetendis quae mancipi sunt is periculum iudicii praestare debet qui se nexu obligavit, profecto

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\* The *Lex Tullia de Ambitu* enacted in 63 B.C., the year of Cicero's consulship, limited the amount of money a candidate for office might spend on gladiatorial games and other popular entertainments.

immortal gods, so that, declared consul and defended by the voice of the same man, he may uphold the office conferred by the Roman people, protecting alike you and all the citizens

And since in this service the enthusiasm of my defence—and even the fact that I accepted the case at all—have been attacked by my critics, before I begin to speak in Lucius Murena's behalf I shall speak briefly of myself, not because at this time certainly the defence of my action is more important than the acquittal of this man but because if my action is approved by you, with greater authority I may be able to repel the attacks of his enemies upon his honour, fame, and all his fortunes.

II. And first regarding my course of action I shall <sup>3</sup> answer Marcus Cato, who reduces life to the fixed pattern of a system, and most carefully weighs the demands of every duty. Cato says that I should not have undertaken the defence of Lucius Murena, for I am both consul and author of a law <sup>a</sup> against bribery, and one who has administered the office of consul with great severity. His criticism makes me very eager to justify my course of action, not only to you, gentlemen, to whom I owe it most, but even to Cato himself, for he is a most weighty and upright man. By whom, pray, Marcus Cato, is a consul more appropriately defended than by a consul? Who in the state can or should be more closely united with me than the man to whom I am transferring the entire state upheld by my great toil and peril to be by him in turn upheld? But if in a suit for the recovery of such goods as are sold at a formal sale he ought to incur the risk of the suit who has assumed the contractual

## CICERO

etiam rectius in iudicio consulis designati is potissimum consul qui consulem declaravit auctor benefici  
 4 populi Romani defensorque periculi esse debet. Ac si, ut nonnullis in civitatibus fieri solet, patronus hunc causae publice constitueretur, is potissimum summo<sup>1</sup> honore adfecto defensor daretur qui eodem honore praeditus non minus adferret ad dicendum auctoritatis quam facultatis. Quodsi e portu<sup>2</sup> solventibus ei qui iam in portum ex alto invehuntur praecipere summo studio solent et tempestatum rationem et praedonum et locorum, quod natura adfert ut eis faveamus qui eadem pericula quibus nos perfuncti sumus ingrediantur, quo tandem me esse animo oportet prope iam ex magna iactatione terram videntem in hunc cui video maximas rei publicae tempestates esse subeundas? Quare si est boni consulis non solum videre quid agatur verum etiam providere quid futurum sit, ostendam alio loco quantum salutis communis intersit duos consules in re publica Kalendis  
 5 Ianuarii esse. Quod si ita est, non tam me officium debuit ad hominis amici fortunas quam res publica consulem ad communem salutem defendendam vocare. III. Nam quod legem de ambitu tui, certe ita tui ut eam quam mihi met ipsi iam pridem tulerim de civium periculis defendendis non abrogarem. Etenim si largitionem factam esse confiterer idque

<sup>1</sup> potissimum summo *Madvig's emendation for potissimo of the MSS.*

<sup>2</sup> e portu *restored from Quint. v. 11. 23; the MSS. read portu and portus.*

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\* If a Roman (1) formally sold a property to another (2) and he in turn to a third party (3), the title was guaranteed by the original owner (1). If the third party (3) was sued, the

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obligation,<sup>a</sup> then assuredly even more appropriately in the trial of a consul-elect should that consul most of all who formally announced the election of his successor warrant his title to the honour conferred by the Roman people and repel attacks upon it. And if,<sup>4</sup> as is the custom in some states,<sup>b</sup> the state appointed an advocate for this case, it would most appropriately appoint to defend a man elected to the highest office one who himself, enjoying the same office, would bring to his pleading authority as well as ability. But if those who have but just come into port from the open sea are very eager to give to those about to weigh anchor a record of the winds, the pirates, and the coasts—because naturally we assist those who are entering the same perils we have undergone—how, pray, should I, who after a terrible storm am just beginning to see land, be affected toward him who, I see, must undergo the severest of political tempests? So if it is the part of a conscientious consul, not only to see what is being done, but also to foresee what will be done, I shall show elsewhere<sup>c</sup> how important it is for the common safety that there should be two consuls in the state on January first.<sup>d</sup> If this be so, it<sup>5</sup> should not be so much duty calling me to defend the fortunes of a friend, as the state calling the consul to defend the common safety. III. For as to the fact that I secured the passage of a law against bribery, I certainly did so but without repealing a law which I had long since laid on myself—a law to defend citizens from danger. For should I admit that bribery had taken

first party (1) had to make good the title, not the second party (2). <sup>b</sup> *ε γ*, Athens. <sup>c</sup> Sects. 79 ff.

<sup>a</sup> 62 B.C. If Murena were convicted and thereby disqualified there would be but one consul, Decimus Silanus.



recte factum esse defendendum, facerem improbe, etiamsi alius legem tulisset; cum vero nihil commissum contra legem esse defendam, quid est quod meam defensionem latio legis impediatur?

- 6 Negat esse eiusdem severitatis Catilinam exitium rei publicae intra moenia molientem verbis et paene imperio ex urbe expulisse et nunc pro L. Murena dicere. Ego autem has partis lenitatis et misericordiae quas me natura ipsa docuit semper egi libenter, illam vero gravitatis severitatisque personam non appetivi, sed ab re publica mihi impositam sustinui, sicut huius imperii dignitas in summo periculo civium postulabat. Quodsi tum, cum res publica vim et severitatem desiderabat, vici naturam et iam vehemens fui quam cogebar, non quam volebam, nunc cum omnes me causae ad misericordiam atque ad humanitatem vocent, quanto tandem studio debeo naturae meae consuetudinique servire? Ac de officio defensionis meae ac de ratione accusationis tuae fortasse etiam alia in parte orationis dicendum nobis erit.

- 7 Sed me, iudices, non minus hominis sapientissimi atque ornatissimi, Ser. Sulpici, conquestio quam Catonis accusatio commovebat qui gravissime et acerbissime se ferre<sup>1</sup> dixit me familiaritatis necessitudinisque oblitum causam L. Murenæ contra se defendere. Huic ego, iudices, satis facere cupio vosque adhibere arbitros. Nam cum grave est vere accusari

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<sup>1</sup> *se ferre the reading of Lambinus for ferme of the MSS.*

<sup>a</sup> Sects. 67 ff.

## PRO MURENA, iii. 5-7

place and argue that this was honourable, I should be acting dishonourably even though someone else had proposed the law, but when I maintain that no breach of the law has been committed, how does the fact that I proposed the law hamper my appearing for the defence?

Cato maintains that I am not displaying the same <sup>6</sup> austerity, in expelling Catiline from the city with threats and almost with force when he was plotting the state's destruction from within the walls of the city, and now in undertaking the defence of Lucius Murena. But I have always gladly played the part of forbearance and mercy which Nature herself taught me; I have not been eager to assume that mask of sternness and austerity. However, when the state placed it upon me, I wore it during the crisis in the state's existence as the majesty of this office demanded. But if at a time when the state needed force and sternness, I overcame my natural inclinations and was as stern as I was compelled to be, not as I wished to be, now when every reason invites me to mercy and kindness, with what enthusiasm, pray, ought I to follow my natural inclination? Perhaps my obligation to conduct the defence and your charge against me will have to be discussed in another portion <sup>a</sup> of my speech.

But, gentlemen, the complaint of Servius Sulpicius, who is a very wise and distinguished man, moved me no less than the accusations of Cato. He said that he is very deeply and grievously offended because I, forgetting our friendship and intimacy, am defending the case of Lucius Murena against him. I wish, gentlemen, to satisfy him and to let you decide between us. It is a serious thing to be justly

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in annuitia, tui<sup>e</sup>, etiam si falso accensens, non est negligendum. Ego, Ser. Sulpici, me in petitione tua tibi omnia studia atque officia pro nostra necessitudine et debuisse confiteor et praestitisse arbitror. Nihil tibi consulatum petenti a me defuit quod esset aut ab amico aut a gratioso aut a consule postulandum. Abiit illud tempus; mutata ratio est. Sic existimo, sic mihi persuadeo, me tibi contra honorem Murenæ quantum tu a me postulare ausus sis, 8 tantum debuisse, contra salutem nihil debere. Neque enim, si tibi tum cum peteres consulatum studui, nunc<sup>1</sup> cum Murenam ipsum petas, adiutor eodem pacto esse debeo. Atque hoc non modo non laudari sed ne concedi quidem potest ut amicis nostris accusantibus non etiam alienissimos defendamus. IV Mihi autem cum Murenæ, iudices, et magna et vetus amicitia est, quæ in capitis dimicatione a Ser. Sulpicio non idcirco obruetur quod ab eodem in honore contentione superata est. Quæ si causa non esset, tamen vel dignitas hominis vel honoris eius quem adeptus est amplitudo summam mihi superbiae crudelitatisque infamiam inussisset, si hominis et suis et populi Romani ornamentis amplissimi causam tanti periculi repudiassem. Neque enim iam mihi licet neque est integrum ut meum laborem hominum periculis sublevandis non impertiam. Nam cum præmia mihi

<sup>1</sup> consulatum studui nunc *supplied by Clark from Quint. xl. 1. 68: consulatum adfui nunc was given by the corrector of MS Ψ: other MSS omit.*

<sup>a</sup> Cicero's law against bribery involved as a penalty degradation from the senate and banishment for ten years.

accused in a matter of friendship, and no one can overlook it if he be falsely accused. In your canvass, Servius Sulpicius, I admit that I owed to you all my energy and my support in view of our intimacy and I think that I put them at your disposal. When you were canvassing for the consulship, I failed you in nothing which could be asked either of a friend or of an obliging acquaintance or of a consul. That time is past. The case has been altered. This is my opinion, this my belief. in opposition to Murena's political preferment I owed you as much as you dared ask of me, in opposition to his acquittal I owe you nothing. For if I favoured you when you were a candidate for the consulship, it is not my duty now to assist you in the same way when you are prosecuting Murena himself. And this proposition not only cannot be commended, but it cannot even be admitted, namely, that we may not appear in the defence even of complete strangers when our friends are acting as prosecutors. IV. But my friendship for Murena, gentlemen, is both great and of long standing. This friendship will not therefore be overwhelmed by Servius Sulpicius in a suit involving Murena's civil <sup>a</sup> existence, simply because it was so in a contest with this same man for advancement in office. And if this were not the case, still either the dignity of the man or the exalted office which he has attained would have branded me with the crowning infamy of pride and cruelty, if I had refused to defend the case of a man most distinguished by his own honours and those conferred by the Roman people. For me it is neither permissible nor honourable to refuse to devote my energies to protect my fellow-men from danger. For since

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tanta pro hac industria sint data quanta antea nemini, sic existimo labores quas in petitione<sup>1</sup> ceperis, eos cum adeptus sis deponere esse hominis et astuti et  
 9 ingrati. Quodsi licet desinere, si te auctore possum, si nulla incertiae, nulla superbiae turpitudine, nulla inhumanitatis culpa suscipitur, ego vero libenter desino. Sin autem fuga laboris desidiam, repudiatio supplicum superbiam, amicorum neglectio improbitatem coarguit, nimirum haec causa est eius modi quam nec industrius quisquam<sup>2</sup> nec misericors nec officiosus deserere possit. Atque huiusce rei coniecturam de tuo ipsius studio, Servi, facillime ceperis. Nam si tibi necesse putas etiam adversariis amicorum tuorum de iure consulentibus respondere, et si turpe existimas te advocato illum ipsum quem contra veneris causa cadere, noli tam esse iniustus ut, cum tui fontes vel inimicis tuis pateant, nostros etiam amicis putes  
 10 clausos esse oportere. Etenim si me tua familiaritas ab hac causa removisset, et si hoc idem Q. Hortensio, M. Crasso, clarissimis viris, si item ceteris a quibus intellego tuam gratiam magni aestimari accidisset, in ea civitate consul designatus defensorem non haberet in qua nemini umquam infimo maiores nostri patronum deesse voluerunt. Ego vero, iudices, ipse me existimarem nefarium si amico, crudelem si misero, superbum si consuli defuissem. Quare quod dandum est amicitiae, large dabitur a me, ut tecum agam,

<sup>1</sup> labores quas in petitione *Clark's suggestion to fill the lacuna in the MSS.*

<sup>2</sup> quisquam *read by Guilielmus for the MSS. quam.*

rewards have been given me for my labours such as heretofore have been given to no one, I think that to give up the activities which a man uses in his canvass when he has attained his election—that is the act of a shrewd and unscrupulous person. But if one is permitted to desist from his activities, if I may do so and the responsibility be yours, if no reproach of sloth, nor arrogance, no charge of disloyalty is incurred, then I indeed gladly desist. But if, on the other hand, shirking toil proves laziness, refusing suppliants proves arrogance, abandoning friends proves disloyalty, then assuredly this case is such that no man who is active or merciful or loyal can refuse it. And, Servius, you may very easily draw an inference in this matter from your own profession. For if you think it necessary to give an opinion even to the opponents of your friends when they consult you on a legal question, and if you think it a disgrace that even he should be non-suited whom you opposed on a former occasion, do not, then, be so unfair as to think the fountains of our wisdom should be closed to our friends while yours are open even to your enemies. For if friendship for you had debarred me from this case, and if this same thing had happened to distinguished men like Quintus Hortensius and to Marcus Crassus, and also to others who, I know, prize your goodwill, then a consul-elect would have no one to defend him in this state wherein our ancestors wished no one, even in the lowest station, ever to lack an advocate. But I, gentlemen, would think myself abominable if I failed a friend, cruel if I failed a man in distress, arrogant if I failed a consul. And so every concession that can be made to friendship I shall gladly make and I shall treat you, Servius, as if it were my

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Servi, non secus<sup>4</sup> ac si meus esset frater, qui mihi est carissimus, isto in loco ; quod tribuendum est officio, fidei, religioni, id ita moderabor ut meminerim me contra amici studium pro amici periculo dicere.

11 V. Intellego, iudices, tris totius accusationis partis fuisse, et earum unam in reprehensione vitae, alteram in contentione dignitatis, tertiam in criminibus ambitus esse versatam. Atque harum trium partium prima illa quae gravissima debebat esse ita fuit infirma et levis ut illos lex magis quaedam accusatoria quam vera male dicendi facultas de vita L. Murenæ dicere aliquid coegerit. Obiecta est enim Asia ; quae ab hoc non ad voluptatem et luxuriam expetita est, sed<sup>1</sup> in militari labore peragrata. Qui si adulescens patre suo imperatore non meruisset, aut hostem aut patris imperium timuisse aut a parente repudiatus videretur. An cum sedere in equis triumphantium praetextati potissimum filii soleant, huic donis militibus patris triumphum decorare fugiendum fuit, ut rebus communiter gestis paene simul cum patre triumpharet ?

12 Hic vero, iudices, et fuit in Asia et viro fortissimo, parenti suo, magno adiumento in periculis, solacio in laboribus, gratulationi in victoria fuit. Et si habet Asia suspicionem luxuriae quandam, non Asiam numquam vidisse sed in Asia continenter vixisse laudandum est. Quam ob rem non Asiae nomen obiciendum

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<sup>1</sup> *Kasten with some of the inferior mss. reads sed et.*

<sup>a</sup> When a general celebrated a triumph his young children rode in the car with him, the sons in their early youth (*praetextati*) rode the horses attached to the car, older sons other horses.

own brother—he is most dear to me—who was in your present position ; what concession must be made to duty, honour, piety, I shall so regulate that I shall remember that I am speaking for one friend in danger against the wishes of another friend.

V. I know, gentlemen, that the prosecution has 11 discussed the case under three headings ; the first of these deals with accusations against Murena's way of living, the second with a comparison of the merits of the contestants, the third with the charge of bribery. And of these three the first, which should have been most weighty, was so petty and trivial, that it is rather a sort of legal formality expected of a prosecutor than any skill in making a convincing accusation, which has compelled them to say something of the life of Lucius Murena. Asia is thrown in his teeth. But Asia was not deliberately coveted by him for purposes of riotous pleasure, but traversed in the course of military service. If he had refused to serve, a young man, under the general, his father, it would have seemed either that he was afraid of the enemy or that he distrusted his father's authority, or else that he had been disowned by his father. Sons in their early youth<sup>a</sup> usually ride the horses of the father's triumphal car. Should he have avoided adorning his father's triumph with military trophies, so that when he had shared the campaign with his father, he might triumph at the same time ? He was, indeed, in Asia, 12 gentlemen, and to his valiant father he gave great aid in danger, relief in weariness, congratulation in the hour of victory. And if Asia has about it some suspicion of laxity, it is cause for praise, not never to have seen Asia, but to have lived an honourable life in Asia. Therefore, the name Asia should not have been



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Murenæ fuit ex qua laus familiae, memoria generi, honos et gloria nomini constituta est, sed aliquod aut in Asia susceptum aut ex Asia deportatum flagitium ac dedecus. Meruisse vero stipendia in eo bello quod tum populus Romanus non modo maximum sed etiam solum gerebat virtutis, patre imperatore libentissime meruisse pietatis, finem stipendiorum patris victoriam ac triumphum fuisse felicitatis fuit. Maledicto quidem idcirco nihil in hisce rebus loci est quod omnia laus occupavit

- 13 VI Saltatorem appellat L. Murenam Cato. Maledictum est, si vere obicitur, vehementis accusatoris, sin falso, maledici conviciatoris. Quare cum ista sis auctoritate, non debes, Marce, arripere maledictum ex trivio aut ex scurrarum aliquo convicio neque temere consulem populi Romani saltatorem vocare, sed circumspicere quibus praeterea vitus adfectum esse necesse sit eum cui vere istud obici possit. Nemo enim fere saltat sobrius, nisi forte insanit, neque in solitudine neque in convivio moderato atque honesto. Tempestivi convivii, amoeni loci, multarum deliciarum comes est extrema saltatio. Tu mihi arripis hoc quod necesse est omnium vitiorum esse postremum, relinquis illa quibus remotis hoc vitium omnino esse non potest? Nullum turpe convivium, non amor, non comissatio, non libido, non sumptus ostenditur, et, cum ea non reperiantur quae voluptatis nomen habent quamquam vitiosa sunt, in quo ipsam luxuriam reperire non potes, in eo te umbram luxuriae reperturum putas? Nihil igitur in vitam L. Murenæ dici

<sup>a</sup> Dancing was, from the Roman view-point, undignified. Professional dancers were slaves or freedmen.

<sup>b</sup> Cicero is punning on the word *umbra* which means a shadow and also a parasite who followed his patron like a shadow

made a charge against Murena, for from it praise has accrued to his family, renown to his clan, honour and glory to his name, but rather he should have been charged with some stain and disgrace incurred in Asia and brought back from Asia. But to have served in that war—not only the greatest, but the only war the Roman people was then waging—was a proof of his valour; to have served most gladly under his father's command was a proof of his filial affection, to have finished his service at his father's victory and triumph was a proof of his good fortune. Slander, therefore, has no place in these actions where there is room for naught but praise.

VI. Lucius Murena is called a professional dancer 13 by—Cato <sup>1 a</sup>. This if true is the accusation of a daring prosecutor, if false, of an abusive slanderer. Therefore it is beneath your dignity, Marcus, to pick up a jibe from a street corner or from some noisy wrangle between dandies, and without proof to call a consul of the Roman people a dancer, but you ought to consider carefully what also must really be the vices of a man to whom that epithet can, with truth, be applied. For almost no one dances when he is sober—except perhaps a lunatic—nor when he is alone nor at a staid and respectable feast. In a decorous banquet, in a place of enjoyment, in many delightful amusements, the final act is the dance. As I see it, you are dragging in this which is of necessity the last among the vices and omitting those without which this vice cannot even so much as exist. No disgraceful carouse, no seduction, no debauch, no lust, no extravagance is offered in evidence and when these so-called pleasures (they are really vices) are not found, do you think you can find the shadow <sup>b</sup> of extravagance in that man in whom you cannot find extravagance itself <sup>c</sup>. Nothing, then, 14

## CICERO

potest, nihil, inquam, omnino, iudices. Sic a me consul designatus defenditur ut eius nulla fias, nulla avaritia, nulla perfidia, nulla crudelitas, nullum petulans dictum in vita proferatur. Bene habet; iacta sunt fundamenta defensionis. Nondum enim nostis laudibus, quibus utar postea, sed prope inimicorum confessione virum bonum atque integrum hominem defendimus. Quo constituto facilior est mihi aditus ad contentionem dignitatis, quae pars altera fuit accusationis.

- 15 VII. Summam video esse in te, Ser. Sulpici, dignitatem generis, integritatis, industriae ceterorumque ornamentorum omnium quibus fretum ad consulatus petitionem adgredi par est. Paria cognosco esse ista in L. Murena, atque ita paria ut neque ipse dignitate vinci a te<sup>1</sup> potuerit neque te dignitate superavit. Contempsisti L. Murenæ genus, extulisti tuum. Quo loco si tibi hoc sumis, nisi qui patricius sit, neminem bono esse genere natum, facis ut rursus plebes in Aventinum sevocanda esse videatur. Sin autem sunt amplae et honestae familiae plebeiae, et proavus L. Murenæ et avus praetor fuit, et pater, cum amplissime atque honestissime ex praetura triumphasset, hoc faciliorem huic gradum consulatus adipiscendi reliquit quod is iam patri debitus a filio petebatur.
- 16 tua vero nobilitas, Ser. Sulpici, tametsi summa est, tamen hominibus litteratis et historicis est notior,

<sup>1</sup> a te added by Clark.

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\* The first secession of the plebs (494 B.C.) is usually said to have been to the Sacred Hill (*mons sacer*).

can be said against the life of Lucius Murena. nothing at all, I say, gentlemen I am claiming in my defence of the consul-elect that no deceit. no greed, no treachery, no cruelty, no indecent utterances can be alleged against him in his entire life It is well. The foundations of our defence have been laid. Not yet our praises, which I shall later employ, but almost the admission of his prosecutors prove this to be a good and honourable man whom we are defending Since this is established, I may more easily approach the estimation of his worth, which was the second point in the case against him.

VII. I see, Servius Sulpicius, that you possess 15  
the highest standing based on family, uprightness,  
industry, and all the other distinctions on which a  
man must rely in undertaking the canvass for the  
consulship. I know that these all exist in equal  
measure in Lucius Murena, and so equal are they  
that he could himself in dignity neither be surpassed  
by you nor surpass you. <sup>And</sup> though the family of  
Lucius Murena up to contempt, you have exalted  
your own. If at this point you assume that no  
one is well-born unless he is a patrician, you make  
it seem necessary for the plebs again to secede to the  
Aventine.<sup>a</sup> But if, however, there are great and  
honourable plebeian families, both the great-grand-  
father and the grandfather of Lucius Murena were  
praetors, and his father, after celebrating a most  
elaborate and well-deserved triumph at the close of  
his praetorship, left to his son an easier access to the  
consulship for this reason,—because what was already  
due to the father was being sought by the son. But 16  
your nobility, Servius Sulpicius, although it is of  
the highest, still it is better known to literary folk

## CICERO

populo vero et suffragatoribus obscurior. Pater enim fuit equestri loco, avus nulla inlustri laude celebratus. Itaque non ex sermone hominum recenti sed ex annalium vetustate eruenda memoria est nobilitatis tuae. Quare ego te semper in nostrum numerum adgregare soleo, quod virtute industriaque perfecisti ut, cum equitis Romani esses filius, summa tamen amplitudine dignus putarere. Nec mihi umquam minus in Q. Pompeio, novo homine et fortissimo viro, virtutis esse visum est quam in homine nobilissimo, M. Aemilio. Etenim eiusdem animi atque ingenui est posteris suis, quod Pompeius fecit, amplitudinem nominis quam non acceperit tradere et, ut Scaurus, memoriam prope intermortuam generis sua virtute  
 17 renovare. VIII. Quamquam ego iam putabam, iudices, multis viris fortibus ne ignobilitas generis obiceretur meo labore esse perfectum qui non modo Curiis, Catonibus, Pompeis, antiquis illis fortissimis viris, novis hominibus, sed his recentibus, Mariis et Didicis et Caeliis, commemorandis studebam. Cum vero ego tanto intervallo claustra ista nobilitatis refregissem, ut aditus ad consulatum posthac, sicut apud maiores nostros fuit, non magis nobilitati quam virtuti pateret, non arbitrabar, cum ex familia vetere et inlustri consul designatus ab equitis Romani filio consule defenderetur, de generis novitate accusatores esse dicturos. Etenim mihi ipsi accidit ut cum duobus patriciis altero improbissimo atque audacissimo,

<sup>a</sup> Sulpicius, like Cicero, would be the first of his family to gain the consulship. A man who did this was a "new man" (*novus homo*).

<sup>b</sup> Q. Pompeius Rufus was the first of his plebeian family to gain the consulship (141 B.C.)

and antiquarians, it is less familiar to the people and the voters. For your father was of equestrian rank, your grandfather was distinguished for no notable attainment. So the memory of your nobility is not fresh on the lips of men, but it must be dug up from ancient records. Wherefore, I have always classed you with myself,<sup>a</sup> because by your character and your energy, though you were the son of a Roman knight, you have still made yourself thought worthy of the highest office. Nor have I ever thought there was less worth in Quintus Pompeius,<sup>b</sup> who was a new man and a brave hero, than in that high-born man, Marcus Aemilius Scaurus.<sup>c</sup> For it requires the same quality of mind and character to hand down to his posterity—as Pompeius did—a distinction of rank which he had not inherited, as for Scaurus to revive by his own genius the almost extinct memory of his family. VIII And yet I used to think, gentlemen, 17 that my efforts have prevented many brave men from being reproached with ignoble birth; for I have been eager to extol, not only those brave heroes of ancient times—like Curius, Cato, Pompeius, all new men,—but these also in recent years, men like Marius, Didius, and Caelius. But when after so long an interval I had broken those prejudices about birth, so that access to the consulship thereafter was, even as in the time of our ancestors, open not more to birth than to worth, I had no idea that when a consul-elect, of an old and illustrious family, was being defended by a consul, the son of a Roman knight, his accusers would speak of the newness of his family. For it happened to me also that I was a

\* Consul 115 and 107 B.C., censor 109, the first of his family in four generations to hold the consulship.

## CICERO

altero modestissimo atque optimo viro, peterem ; superavi tamen dignitate Catilinam, gratia Galbani. Quodsi id crimen homini novo esse deberet, perfecto mihi neque inimici neque invidi defuissent.

- 18 Omittamus igitur de genere dicere cuius est magna in utroque dignitas ; videamus cetera.

“ Quaesturam una petui et sum ego factus prior.”

Non est respondendum ad omnia. Neque enim vestrum quemquam fugit, cum multi pares dignitate fiant, unus autem primum locum<sup>1</sup> solus possit obtinere, non eundem esse ordinem dignitatis et renuntiationis, propterea quod renuntiatio gradus habeat, dignitas autem sit persaepe eadem omnium. Sed quaestura utriusque prope modum pari momento sortis fuit. Habuit hic lege Titia provinciam tacitam et quietam, tu illam cui, cum quaestores sortiuntur, etiam adclamari solet, Ostiensem, non tam gratiosam et illustrem quam negotiosam et molestam. Consedit utriusque nomen in quaestura. Nullum enim vobis sors campum dedit in quo excurrere virtus

- 19 cognoscique posset. Reliqui temporis spatium in contentionem vocatur. Ab utroque dissimillima ratione tractatum est. IX Servius hic nobiscum hanc urbanam militiam respondendi, scribendi, cavendi plenam sollicitudinis ac stomachi secutus est ; ius civile didicit, multum vigilavit, laboravit, praesto

<sup>1</sup> locum *added by Mommsen.*

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\* Repeated ballots were taken. As each man received the necessary number of votes his election was announced. Sulpicius means that his earlier election argued greater popularity.

<sup>b</sup> Two quaestors were assigned to duty in the city, four to duty outside. Ostia, one of these posts, being a busy, bustling port town, was an unwelcome assignment.

candidate with two patricians, the one a man most unscrupulous and bold, the other most sincere and upright, still I surpassed Catiline in worth, Galba in popularity. But if there be ground for accusation against a new man in this, certainly I should have lacked neither enemies nor rivals. Let me, 18 then, stop talking about both, for in that both men have very high standing. Let us look at the other points

"He was a candidate for the quaestorship when I was, and I was elected before him."<sup>a</sup> It is not necessary to answer every objection. None of you has failed to note, that while many may be equally favoured in the election, only one can be announced first; for the degree of worthiness and the order of the announcement of the elections are not the same thing, because elections are announced one after another, but worthiness is often the same in the case of all. There was practically no difference in the result of their allotment in the quaestorship. Murena received by the Titian law a quiet and peaceable province, you received that one which invariably raises a howl when the quaestors draw lots—Ostia—not so pleasant and glorious as it is busy and disagreeable.<sup>b</sup> Each man's reputation had a rest during his quaestorship. For the lot you drew gave you no field on which your ability could parade itself and be recognized. The discussion now turns on the sub- 19  
sequent time. Each has spent it in a different way. IX. Servius here has enlisted with me for service in the city—a service full of giving legal opinions, of writing documents, of protecting interests, of anxiety and vexation; he has learned the civil law, he has lost much sleep, he has assisted many, he has endured the



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multis fuit, multorum stultitiam percipessus est, adrogantiam pertulit, difficultatem exsoluit, vixit ad aliorum arbitrium, non ad suum. Magna laus et grata hominibus unum hominem claborare in ea scientia quae sit multis profutura. Quid Murena interea? Fortissimo et sapientissimo viro, summo imperatori legatus L. Lucullo fuit; qua in legatione duxit exercitum, signa contulit, manum conseruit, magnas copias hostium fudit, urbes partim vi, partim obsidione cepit, Asiam istam refertam et eandem delicatam sic obijt ut in ea neque avaritiae neque luxuriae vestigium reliquerit, maximo in bello sic est versatus ut hic multas res et magnas sine imperatore gesserit, nullam sine hoc imperator. Atque haec quamquam praesente L. Lucullo loquor, tamen ne ab ipso propter periculum nostrum concessam videamur habere licentiam fingendi, publicis litteris testata sunt omnia, quibus L. Lucullus tantum laudis impertit quantum neque ambitiosus imperator neque invidus tribuere alteri in communicanda gloria debuit. Summa in utroque est honestas, summa dignitas; quam ego, si mihi per Servium liceat, pari atque eadem in laude ponam. Sed non licet; agitat rem militarem, insectatur totam hanc legationem, assiduitatis et operarum harum cotidianarum putat esse consulatum. "Apud exercitum mihi fueris" inquit; "tot annos, forum non attigeris; afueris tam diu et, cum longo

stupidity of many, he has borne their arrogance, he has swallowed their cantankerousness, he has lived according to the whims of others, not his own wishes. It is a great service highly appreciated by mankind, that one man should earnestly toil over that science from which many are to profit. What about Murena 20 meanwhile? He was an officer on the staff of that very brave and sagacious man, that very great general, Lucius Lucullus. On this mission he led an army, disposed his standards, joined battle, vanquished great forces of the enemy, captured cities, some by assault, some by siege. That Asia you speak of, a rich and tempting morsel, he traversed without leaving any trace of greed or extravagance. In a very great war he so conducted himself that he accomplished many great enterprises without his general, his general accomplished none without him. And though I am speaking in the presence of Lucius Lucullus, yet, lest I should appear to have a privilege of exaggeration conceded by him in view of the exigencies of this trial, I add that all these facts are attested by public dispatches in which Lucius Lucullus grants to Murena such praise as no selfish or jealous commander would give to another man in sharing his glory with him. Both Servius and Murena have the 21 greatest reputation, the greatest worth, to which I, with Servius's permission, would give the same and equal honour. But he does not permit me. He harps on military matters, he attacks this whole mission, he thinks the consulship should consist of his constant presence and the performance of these everyday matters. "So far as I can see you've been with the army," he says, "all these years, you've not touched the forum. When you return after being

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intervallo veneris, cum his qui in foro habitarint de dignitate contendas? ” Primum ista nostra assiduitas, Servi, nescis quantum interdum adferat hominibus fastidii, quantum satietatis. Mihi quidem vehementer expedit positam in oculis esse gratiam; sed tamen ego mei satietatem magno meo labore superavi et tu item fortasse; verum tamen utrique nostrum desiderium nihil obfusset. Sed ut hoc omisso ad studiorum atque artium contentionem revertamur; qui potes dubitare quin ad consulatum adipiscendum multo plus adferat dignitatis rei militaris quam iuris civilis gloria? Vigilas tu de nocte ut tuis consultoribus respondeas, ille ut eo quo intendit mature cum exercitu perveniat; te gallorum, illum bucinarum cantus exsuscitat; tu actionem instituis, ille aciem instruit; tu caves ne tui consultores, ille ne urbes aut castra capiantur; ille tenet et scit ut hostium copiae, tu ut aquae pluviae arceantur; ille exercitatus est in propagandis finibus, tuque in regendis. Ac nimirum—dicendum est enim quod sentio—rei militaris virtus praestat ceteris omnibus. X. Haec nomen populo Romano, haec huic urbi aeternam gloriam peperit, haec orbem terrarum parere huic imperio coëgit; omnes urbanae res, omnia haec nostra praeclara studia et haec forensis laus et industria latent in tutela ac praesidio bellicae virtutis. Simulatque increpuit suspicio tumultus, artes ilico nostrae conticiscunt.

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<sup>a</sup> Imperfect drainage of surface water led to frequent lawsuits

abroad so long, do you put yourself on an equality with those who have been living in the forum ?<sup>11</sup> First this practice of ours, Servius, of being always at hand, you do not know how much dislike and disgust it sometimes brings to men. Indeed, in my own case, it was much to my advantage that my popularity was open to all men's eyes, however, when they were sick of me, I got the better of that with a great deal of trouble, and you, too, perhaps. Still, to be missed would have harmed neither of us. But drop this sub-<sup>22</sup>ject and return to a comparison of pursuits and professions. How can you doubt that distinction in war brings much more dignity to a canvass for the consulship than distinction in the civil law ? You are awake late at night to give legal opinions to those who consult you, he that he may arrive early with his army at his intended objective ; you are aroused by the call of the cock, he by the call of the trumpet ; you begin your pleading, he orders his line of battle ; you take care that your clients be not plucked, he that cities and camps may not be taken ; he understands and knows how to keep off the troops of the enemy, you know how to keep out rain water<sup>a</sup> ; he is engaged in extending the boundaries of the empire, you in regulating the fences of your clients. And in short—for I must say what I think—virtue in military service takes precedence of all other virtues. X. This has won a name for the Roman people, it has won everlasting glory for this city, it has forced all the world to obey this government ; all the activities of this city, all these glorious pursuits of ours, the applause and the toil here in the forum, all lie under the care and protection of martial valour. As soon as a suspicion of riot is whispered, instantly our arts fall silent.

- 23 Et quoniam mihi videris istam scientiam iuris tamquam filiolarum osculari tuam, non patiar te in tanto errore versari ut istud nescio quid quod tanto opere didicisti praeclarum aliquid esse arbitrare. Alius ego te virtutibus, continentiae, gravitatis, iustitiae, fidei, ceteris omnibus, consulatu et omni honore semper dignissimum iudicavi; quod quidem ius civile didicisti, non dicam operam perdidisti, sed illud dicam, nullam esse in illa disciplina munitam ad consulatum viam. Omnes enim artes, quae nobis populi Romani studia conciliant, et admirabilem dignitatem et pergratam
- 24 utilitatem debent habere. XI Summa dignitas est in iis qui militari laude antecellunt; omnia enim quae sunt in imperio et in statu civitatis ab his defendi et firmari putantur; summa etiam utilitas, siquidem eorum consilio et periculo cum re publica tum etiam nostris rebus perfrui possumus. Gravis etiam illa est et plena dignitatis dicendi facultas quae saepe valuit in consule deligendo, posse consilio atque oratione et senatus et populi et eorum qui res iudicant mentes permovere. Quaeritur consul qui dicendo nonnumquam comprimat tribunicios furores, qui concitatum populum flectat, qui largitioni resistat. Non mirum, si ob hanc facultatem homines saepe etiam non nobiles consulatum consecuti sunt, praesertim cum haec eadem res plurimas gratias, firmissimas amicitias, maxima studia pariat. Quorum in isto
- 25 vestro artificio, Sulpici, nihil est. Primum dignitas in tam tenui scientia non potest esse; res enim sunt

And since you seem to me to be caressing your 23  
 knowledge of the law as if it were your little daughter,  
 I shall not allow you to continue so erroneously to  
 regard as a valuable possession this something you  
 have so carefully acquired. I have always believed  
 you deserved the consulship and every office because  
 of your other virtues—self-mastery, dignity, justice,  
 honour and all the rest—but as to your mastery of the  
 civil law—I will not say that you have wasted your  
 time, but I will say this there is no highway to the  
 consulship in that profession. For all arts which win  
 us the support of the Roman people should have great  
 dignity and a pleasant usefulness. XI. The greatest 24  
 dignity belongs to those men who are pre-eminent  
 in military distinction, for we think that everything  
 which belongs to our government and the stability of  
 the state is protected and upheld by them; and the  
 greatest service is rendered if by their advice and  
 at their peril we can enjoy both our country and our  
 private fortunes. Weighty indeed, and full of dignity  
 is the ability to speak which has often influenced  
 the election of a consul—the ability by wisdom and  
 eloquence to sway the minds of the senate and the  
 people and those who act as jurors. A consul is needed  
 who by his eloquence can sometimes check the mad  
 passions of the tribunes, sway the excited mob, resist  
 bribery. No wonder if even men who are not of noble  
 birth have often attained the consulship because  
 they are good speakers, especially as this same gift  
 wins the deepest gratitude, the closest friendship,  
 the greatest support. There is none of this in that  
 profession of yours, Sulpicius. In the first place, 25  
 there can be no dignity in so hair-splitting a science—  
 for the subject matter is insignificant, concerned as

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parvae prope in singulis litteris atque interpunctionibus verborum occupatae. Deinde, etiamsi quid apud maiores nostros fuit in isto studio admirationis, id enuntiatis vestris mysteriis totum est contemptum et abiectum. Posset agi lege necne pauci quondam sciebant; fastos enim vulgo non habebant. Erant in magna potentia qui consulebantur, a quibus etiam dies tanquam a Chaldaeis petebatur. Inventus est scriba quidam, Cn. Flavius, qui cornicum oculos confixerit et singulis diebus discendis fastos populo proposuerit et ab ipsis cautis iuris consultis eorum sapientiam compilarit. Itaque irati illi, quod sunt veriti ne dierum ratione pervulgata et cognita sine sua opera lege agi<sup>1</sup> posset, verba quaedam composuerunt ut omnibus in rebus ipsi interessent.

26 XII. Cum hoc fieri bellissime posset. "Fundus Sabinus meus est." "Immo meus"; deinde iudicium, noluerunt. "FUNDUS" inquit "QUI EST IN AGRO QUI SABINUS VOCATUR." Satis verbose: cedo quid postea? "EUM EGO EX IURE QUIRITUM MEUM ESSE AIO." Quid tum? "INDE IBI EGO TE EX IURE MANUM CONSERTUM

<sup>1</sup> agi added in the editions of 1471 published at Venice and Rome.

<sup>a</sup> Before the publication of the law, its content and interpretation were known only to the legal profession.

<sup>b</sup> Suits could be brought only on certain days.

<sup>c</sup> In 304 B.C. Flavius, apparently without authorization, published the calendar of court days—a secret hitherto guarded by the patrician pontiffs. To "put out the eyes of a crow" was a proverbial expression implying unusual activity, cf. "catch a weasel asleep." Quintilian, viii 3. 22, refers to this passage as one in Cicero's lighter vein.

<sup>d</sup> Before a disputed title could be tried the lawyer insisted on the following procedure: The parties to the suit brought to the trial a clod from the disputed property. It was left at a little distance from the court. After appearing before the magistrate, at his order, they proceeded to the clod and upon it, as a symbol of the land, in the presence of witnesses, made

we may almost say with spelling and the division of words. In the second place, if any awe attached to that profession in the time of our ancestors, it fell into utter contempt and was destroyed by the publication of your mysteries <sup>a</sup>. In former times very few knew whether or not an action at law could be brought; for the calendar <sup>b</sup> was not publicly known. Those who gave legal decisions had great power; they were asked to indicate the day on which a suit could be brought as if they were Chaldean astrologers. A certain clerk, Gnacus Flavius, was found who "put out the eyes of the crows" <sup>c</sup> and published the calendar enabling the people to learn the court days, and plucked the plumage of their wisdom from the clever legal advisers themselves. And so these men, enraged because they were afraid that lawsuits could be conducted without their assistance, once the scheme of days was published and made a matter of common knowledge, invented certain legal formulae that they might still have a part in every transaction. <sup>d</sup>

XII A suit might most conveniently have been brought in this way: "The Sabine property is mine" "No, it is mine"—then the trial. The lawyers would not consent to so simple a statement. "A property," he says, "which is situate in the district which is designated as Sabine." Well, that is prolix enough, but see what follows: "This I affirm to be my property by Quiritary <sup>e</sup> title" What next? "From this place, I formally summon you to that place their claim. They then returned to the court and the trial proceeded. This ceremonial belongs to the oldest form of Roman civil procedure—the *legis actio per sacramentum*.

<sup>a</sup> The *ius Quiritium*, which originated in the regal period, was the oldest part of the Roman civil law. It applied only to Roman citizens (Quirites) and to others who had been admitted to its privileges. It was the only form which could be protected by the civil law procedure which Cicero describes in this passage.



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voco." Quid huic tam loquaciter litigioso responderet ille unde petebatur non habebat. Transit idem iuris consultus tibicinis Latini modo "UNDE TU ME" inquit "EX IURE MANUM CONSERTUM VOCASTI INDE IBI EGO TE REVOCO." Praetor interea ne pulchrum se ac beatum putaret atque aliquid ipse sua sponte loqueretur, ei quoque carmen compositum est cum ceteris rebus absurdum tum vero in illo "SUIS UTRISQUE SUPERSTITIBUS PRAESENTIBUS ISTAM VIAM DICO; ITE VIAM." Praesto aderat sapiens ille qui inire viam doceret. "REDITE VIAM." Eodem duce redibant. Haec iam tum apud illos barbatos ridicula, credo, videbantur, homines, cum recte atque in loco constitissent, iubem abire ut, unde abiissent eodem statim redirent. Isdem ineptiis fucata sunt illa omnia. "QUANDO TE IN IURE CONSPICIO" et haec.<sup>1</sup> "ANNE TU DICAS QUA EX CAUSA VINDICAVERIS?" Quae dum erant occulta, necessario ab eis qui ea tenebant petebantur; postea vero pervulgata atque in manibus iactata et excussa, inanissima prudentiae reperta  
27 sunt, fraudis autem et stultitiae plenissima. Nam cum permulta praeclare legibus essent constituta, ea iure consultorum ingenis pleraque corrupta ac depravata sunt. Mulieres omnes propter infirmitatem consilii maiores in tutorum potestate esse voluerunt:

<sup>1</sup> *Kusten adds sed after haec.*

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<sup>a</sup> A flutist accompanied the actors in a Latin play as they were alternately reciting those parts (*cantica*) that were sung or intoned.

<sup>b</sup> The literal meaning of the phrase *manum consertum*, is doubtful. It may mean that "they put their hands on the object at the same time, or possibly, that they engaged in a symbolic conflict.

yonder to join issue with me according to law." The defendant had no answer ready for this loquacious litigious person. So the same legal adviser went over to the other side of the case like a Latin flute-playing accompanist.<sup>a</sup> "From the place," he says, "whence you have summoned me to join issue<sup>b</sup> according to law, from thence I, in turn, summon you to that place yonder." Meanwhile that the president *proconsul* did not pat himself on the back and say *propter hoc* on his own account, a legal formula was set for him too—pointless in some respects and especially in this: "The witnesses for both parties being there present I formally indicate yonder road. Proceed on the road." That sage was there to direct them to proceed on the road. "Return by the road." They returned with the same escort. This seemed ludicrous, I presume, even to our bewhiskered ancestors, that men, having duly presented themselves at a place, should be told to leave it only to return at once to the place from which they had gone. All the procedures were obfuscated by the same follies. "Since I formally recognize your presence in the court," and this: "Would you declare upon what grounds your claim to the property rests?" While these procedures were a secret they had to be obtained from those who knew them; later, however, when they became a matter of common knowledge and were circulated and examined, they were found to be utterly devoid of sense and even crammed with deceit and stupidity. For, while many things had been defined very clearly<sup>27</sup> by laws, many of these, in the exercise of justice, were perverted and distorted by the cleverness of lawyers. Our ancestors have willed that all women, because of their lack of judgement, should be under

hi invenerunt gēnera tutorum quae potestate mulierum continerentur. Sacra interire illi noluerunt; horum ingenio senes ad coemptiones faciendas inter mendorum sacrorum causa reperti sunt. In omni denique iure civili aequitatem reliquerunt, verba ipsa tenuerunt, ut, quia in alicuius libris exempli causa id nomen invenerant, putarunt omnes mulieres quae coemptionem facerent "Gaias" vocari. Iam illud mihi quidem mirum videri solet, tot homines, tam ingemosos, post tot annos etiam nunc statuere non potuisse utrum "diem tertium" an "perendinum," "iudicem" an "arbitrum," "rem" an "litem" dici oporteret.

- 28 XIII. Itaque, ut dixi, dignitas in ista scientia consularis numquam fuit, quae tota ex rebus fictis commenticiisque constaret, gratiae vero multo etiam minus. Quod enim omnibus patet et aequè promptum est mihi et adversario meo, id esse giatum nullo pacto potest. Itaque non modo beneficii collocandi spem sed etiam illud quod aliquamdiu fuit "LICET CONSULERE" iam perdidistis. Sapiens existimari nemo potest in ea prudentia quae neque extra Romam usquam neque Romae rebus prolatis quicquam valet. Peritus ideo haberi nemo potest quod in eo quod sciunt omnes nullo modo possunt inter se discrepare. Difficilis autem res ideo non putatur quod et perpaucis et minime obscuris litteris con-

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<sup>a</sup> *Coemptio* was a civil (as distinguished from a religious) marriage ceremony in which a woman made a formal sale of herself to her husband. A fictitious use of *coemptio* is here described by Cicero. The procedure was as follows. A woman burdened with expensive sacrifices enjoined on her by will formally sold herself to an old man without heirs. Her property and the obligation for the sacrifices now became his. He next freed her and gave her back her property. She paid him a pension more than sufficient to cover the cost

the power of guardians. These lawyers discovered a class of guardians who are in the power of the women. Our ancestors willed that sacrifices for the dead should be perpetual. The shrewdness of these lawyers discovered how to use old men to terminate the sacrifices through a fictitious sale.<sup>a</sup> Finally they abandoned the equal spirit of all civil law, the letter they retained; for instance, because in someone's treatises they found "Gaia" used as a type for a name, they thought all women who make a formal conveyance of themselves were called "Gaia." Now this indeed seems to me to be remarkable, that so many clever men after so many years should not even now be able to determine whether one should say, "two days hence" or "the day after to-morrow," "judge" or "arbitrator," "cause" or "case."

XIII. And so, as I have said, consular dignity<sup>28</sup> has never belonged to this profession which consisted wholly of imaginary and fictitious details, and popular favour even less. For a thing which is at everybody's disposal and is equally at the service of me and my opponent, can in no way be a means of winning favour. So you have now lost, not only the hope of conferring a favour, but even that which once was yours—the right of saying "Consultation permitted." No one can be thought of as a wise man, when his expert knowledge has no value anywhere outside Rome nor even at Rome when legal business has been adjourned. So no one can be regarded as an expert because there can be no difference among men in a subject which everyone knows. Besides, a subject cannot be considered difficult because it is contained in a very small number of documents—not very of the sacrifices, but at his early expected death the pension ceased and with it the sacrifices.

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timetur Itaque si mihi, homini vehementer occupato, stomachum moventis, tri duo me iuris consultum esse profitebor Etenim quae de scripto aguntur, scripta sunt omnia, neque tamen quicquam tam anguste scriptum est quo ego non possim "QUA DE RE AGITUR" addere; quae consuluntur autem, minimo periculo respondentur. Si id quod oportet responderis, idem videre respondisse quod Servius; sin aliter, etiam controversum ius nosse et tractare  
29 videre. Quapropter non solum illa gloria militaris vestris formulis atque actionibus anteponenda est, verum etiam dicendi consuetudo longe et multum isti vestrae exercitationi ad honorem antecellit. Itaque mihi videntur plerique initio multo hoc maluisse, post, cum id adsequi non potuissent, istuc potissimum esse delapsi. Ut aiunt in Graecis artificibus eos aulodos esse qui citharoedi fieri non potuerint, sic nos videmus, qui oratores evadere non potuerint, eos ad iuris studium devenire. Magnus dicendi labor, magna res, magna dignitas, summa autem gratia. Etenim a vobis salubritas quaedam, ab iis qui dicunt salus ipsa petitur. Deinde vestra responsa atque decreta et evertuntur saepe dicendo et sine defensione oratoris firma esse non possunt. In qua si satis profecissem, parcius de eius laude dicerem, nunc nihil de me dico, sed de iis qui in dicendo magni sunt aut fuerunt.

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<sup>a</sup> Quintilian, viii. 3. 79, quotes the passage as an excellent example of *redditio* (reciprocal representation). That *citharoedus* is one who sings to the accompaniment of the cither, not a cither-player, is clear from Cicero, *Tusc. Disp.* v 116  
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abstruse ones either. So if you should arouse my ire—exceedingly busy as I am—I will undertake to make myself a qualified lawyer in three days. For all that concerns a written subject is written somewhere and still nothing is written so precisely that I could not add “the matter about which we are concerned” On matters of verbal advice, however, an opinion can be given without risk. If your answer be correct you would seem to be giving the same answer as Servius: but if otherwise, you would seem to be aware of a moot point and to be discussing it. And so not only is the glory of a military career to 29 be preferred to your phrases and lawsuits, but even the practice of speaking far and away surpasses your profession so far as preferment in office goes. So, it seems to me, very many men at first have strongly preferred this profession, but when they could not master it they have generally sunk to yours. As they say of Greek musicians, those who cannot qualify to sing to the lyre, sing to the flute,<sup>a</sup> so we see that those who cannot succeed in being orators degenerate to the study of the law. Public speaking involves great toil, great affairs, great dignity, as well as also very great rewards. A client consults you about his interests, he consults those who speak publicly about his very life. Besides, your opinions and your decisions are often reversed by a speech, and cannot be firmly established without the defence of oratory. If I had attained sufficient distinction in this, I would speak more reservedly. As it is, I am not speaking of myself but of those who are and have been great orators.

“At vocem citharoedi non audiunt (surdi),” “(the deaf) do not hear the *voue* of the singer accompanied by the cither.”

30 XIV Duae sint artes igitur<sup>1</sup> quae possint locare homines in amplissimo gradu dignitatis, una imperatoris, altera oratoris boni. Ab hoc enim pacis ornamenta retinentur, ab illo belli pericula repelluntur. Ceterae tamen virtutes ipsae per se multum valent, iustitia, fides, pudor, temperantia; quibus te, Servi, excellere omnes intellegunt. Sed nunc de studiis ad honorem adpositis, non de insita cuiusque virtute disputo. Omnia ista nobis studia de manibus excutuntur, simulatque aliqui motus novus bellicum canere coepit. Etenim, ut ait ingeniosus poeta et auctor valde bonus, "proelus promulgatus pellitur e medio" non solum ista vestra verbosa simulatio prudentiae sed etiam ipsa illa domina rerum, "sapientia; vi geritur res, spernitur orator" non solum odiosus in dicendo ac loquax, verum etiam "bonus; horridus miles amatur," vestrum vero studium totum iacet. "Non ex iure manum consertum, sed mage<sup>2</sup> ferro" inquit "rem repetunt." Quod si ita est, cedat, opinor, Sulpici, forum castris, otium militiae, stilus gladio, umbra soli, sit denique in civitate ea prima res propter quam ipsa est civitas omnium princeps.

31 Verum haec Cato nimium nos nostris verbis magna facere demonstrat et oblitos esse bellum illud omne Mithridaticum cum mulierculis esse gestum. Quod ego longe secus existimo, iudices, deque eo pauca disseram; neque enim causa in hoc continetur. Nam

<sup>1</sup> igitur added by Clark.

<sup>2</sup> mage restored to the text from Gellius, Att. Noct. xx. 10 by Ascensius in the Paris edition of 1527.

XIV. Granted, then, that there are two professions 30 which can raise a man to the highest rank in office, first, that of a general, second, that of a good orator. For by the latter the blessings of peace are assured, by the former the dangers of war are averted. The other virtues, though, have in themselves much power—justice, honour, modesty, self-control—and in these all men know that you, Servius, excel. But now I am discussing pursuits that lead to office, not any man's innate virtue. All these pursuits of yours are stricken from our hands as soon as any new turmoil begins to sound the charge. For as a noble poet and distinguished author<sup>a</sup> well says, "When battles are rife, from our midst is cast" not only your wordy pretence to knowledge but even that mistress of destinies, "wisdom; force directs action; rejected is the envoy," not only he who is a wretched and verbose speaker, but even he who is "good, the rough soldier is beloved." Your profession lies utterly prostrate. "They seek reparation," he says, "not by joining issue according to law, but rather by the sword." But if this is true, Sulpicius, let the forum yield to the camp, peace to war, the pen to the sword, shade to sunlight, finally in the state let that thing be of chief importance through which the state itself attains pre-eminence over all.

But Cato is affirming that we are magnifying these 31 things in our speech and have forgotten that the war with Mithridates was waged entirely against weak women. I think quite differently, gentlemen, but I shall speak briefly on that point; for the case does not turn on that. For if all the wars which we

<sup>a</sup> Quintus Ennius. The quotation is from the *Annales*, Book VIII.



si omnia bella quae cum Graecis gessimus contemnenda sunt, deindeatur de rege Pyrrho triumphus M'. Curi, de Philippo T. Flaminium, de Aetolis M. Fulvi, de rege Perse L. Pauli, de Pseudophilippo Q. Metelli, de Corinthiis L. Mummi. Sin haec bella gravissima victoriaeque eorum bellorum gratissimae fuerunt, cum Asiaticae nationes atque ille a te hostis contemnitur? Atqui ex veterum rerum monumentis vel maximum bellum populum Romanum cum Antiocho gessisse video; cuius belli victor L. Scipio aequa parita cum P. fiate gloria, quam laudem ille Africa oppressa cognomine ipso prae se ferebat, eandem hic  
 32 sibi ex Asiae nomine adsumpsit. Quo quidem in bello virtus enituit egregia M. Catonis, proavi tui; quo ille, cum esset, ut ego mihi statuo, talis qualem te esse video, numquam cum Scipione esset profectus, si cum mulerculis bellandum arbitraretur. Neque vero cum P. Africano senatus egisset ut legatus fratris proficisceretur, cum ipse paulo ante Hannibale ex Italia expulso, ex Africa eiecto, Carthagine oppressa maximis periculis rem publicam liberasset, nisi illud grave bellum et vehemens putaretur. XV. Atqui si diligenter quid Mithridates potuerit et quid effecerit

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\* Manius Curius Dentatus defeated Pyrrhus at Beneventum, 275 B.C. Titus Quinctius Flamininus defeated Philip V of Macedon at Cynoscephalae, 197 B.C. Marcus Fulvius Nobilior captured Ambracia and, with the assistance of the neighbouring states, subdued the Aetolians in 187 B.C. Lucius Aemilius Paulus defeated King Perseus at Pydna, 168 B.C. Andriscus, a fuller of Adiantum, claimed to be an illegitimate son of Philip V and took the title Philip VI, and secured control of Macedonia and Thessaly. Quintus Caecilius Metellus defeated and captured him, 148 B.C. Lucius Mummius sacked Corinth, 146 B.C.

waged with the Greeks are to be<sup>a</sup> despised, let the triumphs of Manius Curius over King Pyrrhus, of Titus Flaminius over Philip, of Marcus Fulvius over the Aetolians, of Lucius Paulus over King Perseus, of Quintus Metellus over the Pretender Philip, of Lucius Mummius over Corinth, be made a laughing-stock<sup>a</sup> But if these very burdensome wars and the victories in these wars were most gratefully received, why do you despise the nations of Asia and that well-known foe? And yet from the records of ancient history I see that the war which the Roman people waged against Antiochus was a very great war. Lucius Scipio was victor in that war, winning equal glory with his brother Publius<sup>b</sup> For as the name<sup>c</sup> given Publius testified to the glory he had won in conquering Africa, so Lucius received a similar distinction by taking a surname<sup>d</sup> from his conquest of Asia. In this war, indeed, the glorious valour of your great- 32 grandfather, Marcus Cato, was displayed. But if he were, as I picture him to myself, such a man as I see you are, he would never have accompanied Scipio in that war, if he had thought he was going to be compelled to fight with weak women. And had the Roman senate not regarded this as a serious and critical war, they would not have arranged with Publius Africanus to serve on his brother's staff when he had so recently set free the state from the very greatest of dangers by driving Hannibal out of Italy, expelling him from Africa, and humbling Carthage. XV. And yet, if you consider with care what Mithridates could do, and

<sup>b</sup> Publius Scipio Africanus, the conqueror of Hannibal, was associated with Lucius in this war. He furnished the brains and shared the glory.

<sup>c</sup> Africanus.

<sup>d</sup> Asiaticus.

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et qui <sup>a</sup> fuerit consideraris, omnibus regibus quibuscum populus Romanus bellum gessit hunc regem nimirum antepones ; quem L. Sulla maximo et fortissimo exercitu, pugnavit et acer et non rudis imperator, ut aliud nihil dicam, cum bello inductum totam in Asiam cum pace dimisit ; quem L. Murena, pater huiusce, vehementissime vigilantissimeque vexatum repressum magna ex parte, non oppressum reliquit, qui rex sibi aliquot annis sumptis ad confirmandas rationes et copias belli tantum spe conatuque valuit ut se Oceanum cum Ponto, Sertori copias cum suis coniuncturum putaret. <sup>33</sup> Ad quod bellum duobus consulibus ita missis ut alter Mithridaten persequeretur, alter Bithyniam tueretur, alterius res et terra et mari calamitosae vehementer et opes regis et nomen auxerunt ; L. Luculli vero res tantae exstiterunt ut neque maius bellum commemorari possit neque maiore consilio et virtute gestum. Nam cum totius impetus belli ad Cyzicenorum moenia constitisset eamque urbem sibi Mithridates Asiae ianuam fore putasset qua effracta et revulsa tota pateret provincia, perfecta a Lucullo haec sunt omnia ut urbs fidelissimorum sociorum defenderetur et omnes copiae regis diuturnitate obsessionis consumerentur. Quid ? Illam pugnam navalem ad Tenedum, cum contento cursu acerrimis ducibus hostium classis Italiam spe atque animis inflata peteret, mediocri certamine et parva dimicatione commissam arbitraris ? Mitto proclia, praetereo

<sup>a</sup> Then fighting in Spain.

<sup>b</sup> Marcus Aurelius Cotta.

what he did, and what sort of man he was, you would easily award this king a place before all the kings with whom the Roman people have made war. Lucius Sulla with a very large and brave army—an aggressive, keen, and not untried commander—to say no more than that—made peace with him only after he had spread war over all Asia. Lucius Murena, my client's father, harassed him with the utmost energy and vigilance, and left him balked in most of his plans, but not subdued. This king, after taking some years to strengthen his preparations and his forces for war, had such high hopes of his project that he expected to unite the Atlantic with the Euxine, the forces of Sertorius <sup>a</sup> with his own. Two consuls were sent to this <sup>33</sup> war, with the result that the one attacked Mithridates, the other <sup>b</sup> defended Bithynia. The campaign of the latter, disastrous on land and sea, greatly enhanced the resources and the reputation of the king. The extensive operations of Lucius Lucullus, on the other hand, were so conducted that no war can be described as greater or more wisely and courageously fought. For when the forces of the entire war had been concentrated against the walls of Cyzicus, and Mithridates had concluded that this city would be his gate to Asia, and that if he could batter it in and tear it from its hinges the whole province would be open to him, Lucullus so conducted the whole campaign that the city of our most faithful allies was defended, and all the troops of the king were wasted by the protracted siege. What then? Do you think that naval battle off Tenedos was a trivial contest, an insignificant engagement, when in swift course with the boldest of captains the enemy's fleet was sailing for Italy with exalted hopes and courage? I do not

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oppugnationes oppidorum ; expulsus regno tandem aliquando tantum tamen consilio atque auctoritate valuit ut se rege Armeniorum adiuncto novis opibus copiisque renovarit. XVI Ac si mihi nunc de rebus gestis esset nostri exercitus imperatorisque dicendum, plurima et maxima proelia commemorare possem ;  
 34 sed non id agimus ; hoc dico : si bellum hoc, si hic hostis, si ille rex contemnendus fuisset, neque tanta cura senatus et populus Romanus suscipiendum putasset neque tot annos gessisset neque tanta gloria L. Lucullus<sup>1</sup> neque vero eius belli conficiendum exitum tanto studio populus Romanus ad Cn Pompeium detulisset Cuius ex omnibus pugnis, quae sunt innumerabiles, vel acerrima mihi videtur illa quae cum rege commissa est et summa contentione pugnata. Qua ex pugna cum se ille elipisset et Bosporum confugisset quo exercitus adire non posset, etiam in extrema fortuna et fuga nomen tamen retinuit regium Itaque ipso Pompeius regno possesso ex omnibus oris ac notis sedibus hoste pulso tamen tantum in unius anima posuit ut, cum omnia quae ille tenuerat, adierat, sperarat, victoria possideret, tamen non ante quam illum vita expulit bellum confectum iudicaret Hunc tu hostem, Cato, contemnis quocum per tot annos tot proelis tot imperatores bella gesserunt, cuius expulsi et eiecti vita tanti aestimata est ut morte

<sup>1</sup> Lucullus added by Nic. Angelus in the Junta edition of 1515. The MSS read simply L.

<sup>a</sup> The so-called battle of Nicopolis, 66 B.C., with Mithridates.

<sup>b</sup> The strait between the Sea of Azof and the Black Sea—the Cimmerian Bosporus.

mention the battles, I omit the storming of towns ; driven at last from his kingdom, the king still had power enough by his craft and influence to recoup himself with fresh resources and troops by an alliance with the king of the Armenians XVI. And if now I had to tell of the achievements of our army and its commander, I could recall a great number of most important battles But this is not my purpose. One <sup>34</sup> thing I assert : if this war, if this enemy, if that famous king had been objects of contempt, the senate and the Roman people would not have thought that this was an undertaking fraught with so great anxiety, nor would Lucius Lucullus have conducted it for so many years with such distinction, nor would the Roman people with such enthusiasm have entrusted its completion to Gnaeus Pompey. Of all Pompey's battles—they were numberless—that which was fought with the king <sup>a</sup> seems to me certainly the fiercest and most hotly contested. When the king had escaped from this battle, and had fled to the Bosphorus <sup>b</sup> where an army could not follow him, even in the most hopeless misfortune and exile he still kept the name of king So Pompey, though he held the kingdom itself, though he had driven the enemy from all his coasts and well-known strongholds, still regarded the life of a single man so important that, though he victoriously held everything which that man had seized, had approached, had hoped to gain, still he would not consider the war finished until he had deprived him of his life This enemy do you despise, Cato, with whom for so many years so many generals waged war in so many battles, whose life, though he was a fugitive and exile, was deemed so precious that nothing save the announce-

eius nuntiata denique bellum confectum arbitaretur ? Hoc igitur in bello L. Murenam legatum fortissimi animi, summi consilii, maximi laboris cognitum esse defendimus, et hanc eius operam non minus ad consulatum adipiscendum quam hanc nostram forensem industriam dignitatis habuisse

- 35 XVII At enim in praeturae petitione prior renuntiatus est Servius Pergitisne vos tamquam ex syngrapha agere cum populo ut, quem locum semel honoris cuiquam dederit, eundem in reliquis honoribus debeat ? Quod enim fretum, quem Euripum tot motus, tantas, tam varias habere putatis agitationes commutationesque fluctuum quantas perturbationes et quantos aestus habet ratio comitiorum ? Dies intermissus aut nox interposita saepe perturbat omnia, et totam opinionem parva nonnumquam commutat aura rumoris Saepe etiam sine ulla aperta causa fit aliud atque existimaris, ut nonnumquam ita factum esse etiam populus admiretur quasi vero non ipse  
36 fecerit. Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum. Quis L. Philippum summo ingenio, opera, gratia, nobilitate a M. Herennio superari posse arbitratus est ? quis Q. Catulum humanitate, sapientia, integritate antecellentem a Cn. Mallio ? quis M. Scaurum hominem gravissimum, civem egregium, fortissimum senatorem, a Q. Maximo ? Non modo

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<sup>a</sup> The narrow strait between the mainland of Greece and Euboea. The current here changes its direction from six to fourteen times each day.

<sup>b</sup> Philippus, Catulus, Scaurus were defeated for the consulship for 93, 105, 116 B.C. respectively.

ment of his death was thought to mark the final completion of the war? And so we claim, in our defence, that in this war Lucius Murena was known to have been an officer of the finest courage, of the highest discretion, of the greatest industry, and we claim that this career of his was as important in gaining the consulship for him as was this activity of mine in the forum in winning the consulship for me.

XVII. "But in the canvass for the praetorship 35 Servius was elected first." What! do you intend to propose to the people, as if it were a written agreement, that the place given to an individual in the election to one office should be given to him in all subsequent offices? For what strait, what Euripus,<sup>a</sup> do you think has so many eddies, so great and so variable disturbances and changes of current, as are the turmoils and surges in the system of elections? The loss of a day or the advent of a night often changes everything, and a slight breath of rumour sometimes alters every opinion. Often even without any apparent cause things happen so contrary to your expectation that sometimes even the people wonder at the course of events, as if they had not themselves been responsible. Nothing is less to be relied upon 36 than the common herd, nothing more obscure than men's wishes, nothing more treacherous than the whole system of elections. Who thought that Ircine Philippus,<sup>b</sup> a man of the greatest authority, command, influence, nobility, could be defeated by Marcus Herennius? that Quintus Catulus,<sup>b</sup> so distinguished for culture, wisdom, uprightness, could be defeated by Gnaeus Mallus? that Marcus Scaurus,<sup>b</sup> a man of very great influence, an excellent citizen, a very brave senator, could be defeated by Quintus



horum nihil ita fore putatum est sed, ne cum esset factum quidem, quare ita factum esset intellegi potuit. Nam, ut tempestates saepe certo aliquo caeli signo commoventur, saepe improvise nulla ex certa ratione obscura aliqua ex causa concitantur, sic in hac comitiorum tempestate populari saepe intellegas quo signo commota sit, saepe ita obscura est ut  
 37 casu excitata esse videatur XVIII. Sed tamen si est reddenda ratio, duae res vehementer in praetura desideratae sunt quae ambae in consulatu multum Murenæ profuerunt, una expectatio muneris quae et rumore nonnullo et studiis sermonibusque competitorum creverat, altera quod in quos in provincia ac legatione omnis et liberalitatis et virtutis suae testis habuerat nondum decesserant.<sup>1</sup> Horum utrumque ei fortuna ad consulatus petitionem reservavit Nam et L. Luculli exercitus qui ad triumphum convenerat idem comitis L. Murenæ praesto fuit, et munus amplissimum quod petitio praeturae desiderarat  
 38 praetura restituit. Num tibi haec parva videntur adiumenta et subsidia consulatus, voluntas militum, quaeque<sup>2</sup> cum per se valet multitudine, cum apud suos gratia, tum vero in consule declarando multum etiam apud universum populum Romanum auctoritatis habet, suffragatio militaris? Imperatores enim comitis consularibus, non verborum interpretes, deliguntur. Quare gravis est illa oratio: "Me saucium

<sup>1</sup> after decesserant *Kasten* retains exercitum Luculli significat read by the scribe of Codex Laur xc but deleted by the corrector of the MSS.

<sup>2</sup> quaeque *Clark's* reading for MS. quae.

MAXIMUS? No one thought that any of these things could happen, and even after they did happen no one understood why. For as storms often prevail at the rising of certain constellations, but also often come unexpectedly for no ascertainable reason from some obscure cause, so in this tempest of popular elections you may often know by what influence the storm was aroused, but often the cause is so hidden that it seems to be the result of mere chance. XVIII But still, if 37 an explanation must be given, two things are much desired in the praetorship, both of which assisted Murena materially to the consulship. One, the expectation of games, which was increased by rumour and by the interest and talk of his rivals,<sup>a</sup> the other, the fact that all those men were still in the city who had been with him during his service in the province and who were all witnesses to his generosity and his courage. Both these advantages fortune gave him in his campaign for the consulship. For the army of Lucius Lucullus which had come to his triumph also was present at the election of Lucius Murena, and the most elaborate games, which had been wanting in Murena's campaign for the praetorship, that praetorship itself supplied. Do these things seem to you 38 trivial supports and aids to the consulship: the goodwill of the soldiers and the soldiers' votes—important because of their large number and their power to sway the soldiers' friends? These votes also have much influence with all the Roman people in choosing a consul. For generals, not interpreters of phrases, are chosen at the consular elections. And so arguments like these have great weight: "He healed me when

<sup>a</sup> Murena's rivals, in ridiculing his proposed games, had made them known to everybody.

recreavit, me praeda donavit; hoc duce castra cepimus. signa contulimus. numquam iste plus militum laboris imposuit quam sibi sumpsit, ipse cum fortis tum etiam felix." Hoc quanti putas esse ad famam hominum ac voluntatem? Etenim, si tanta illis comitum religio est ut adhuc semper omen valuerit praerogativum, quid mirum est in hoc felicitatis famam sermonemque valuisse?

XIX Sed si haec leviora ducis quae sunt gravissima et hanc urbanam suffragationem militari anteponis, non ludorum huius elegantiam et scaenae magnificentiam valde contemnere; quae huic admodum profuerunt. Nam quid ego dicam populum ac vulgus imperitorum ludis magno opere delectari? Minus est mirandum. Quamquam huic causae id satis est; sunt enim populi ac multitudinis comitia. Quare si populo ludorum magnificentia voluptati est, non est mirandum eam L. Murenæ apud populum  
 39 profuisse. Sed si nosmet ipsi qui et ab delectatione communi negotiis impedimur et in ipsa occupatione delectationes alias multas habere possumus, ludis tamen oblectamur et ducimur, quid tu admirare de  
 40 multitudine indocta? L. Otho, vir fortis, meus necessarius, equestri ordini restituit non solum dignitatem sed etiam voluptatem. Itaque lex haec quae ad ludos pertinet est omnium gratissima, quod honestissimo ordini cum splendore fructus quoque iucunditatis est

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\* The tribes and centuries (military divisions) voted in an order determined by lot. As each tribe or century voted, the result was announced. Almost invariably the vote of the first tribe or century was followed by a similar vote of all the rest.

I was wounded ; he gave me spoils ; when he was our leader we took the camp, we joined battle ; he never gave a soldier a task harder than he took on himself, he was not only brave, but lucky." How much value do you think those words have for gaining a reputation among men and winning their goodwill ? For if there is so much religious feeling in these elections, that up to the present time the omen of the first returns <sup>a</sup> has always been fulfilled, what wonder is it if the name and the reputation of being lucky has been in this case so powerful a deciding factor ?

XIX. But if you regard as rather trivial those things which are very important, and rate the civilian votes above those of the soldiers, do not despise so completely the splendour of the games or the magnificence of the spectacles he gave. These helped him considerably. For why should I speak of the great delight the people and the ignorant crowd take in games ? It is not to be wondered at. And yet this is enough for our case ; elections are a question of numbers and a crowd. So if the splendour of games pleases the people, it is no wonder that this helped Lucius Murena with the people. But if we ourselves <sup>39</sup> who are kept from the common entertainments by business, and who can find many other pleasures in our work itself, if we nevertheless are delighted by the games and attracted by them, why should you be surprised at the ignorant crowd ? Lucius Otho, my <sup>40</sup> brave friend, has restored to the equestrian order not alone dignity but also pleasure <sup>b</sup>, and so that law of his which concerns public games is most popular of all, because it restores to a most respected order distinc-

<sup>b</sup> By his law fourteen rows of seats were restored to the knights in the theatre next those of the senators. Sulla had deprived the knights of this privilege.

restitutus. Quare delectant homines, mihi crede, ludi, etiam illos qui dissimulant, non solum eos qui fatentur; quod ego in mea petitione sensi. Nam nos quoque habuimus scaenam competitivam. Quodsi ego qui trinos ludos aedilis feceram tamen Antoni ludis commovebar, tibi qui casu nullos feceras nihil huius istam ipsam quam invidet argenteam scaenam adversatam putas?

- 41 Sed haec sane sint paria omnia, sit par forensis opera militari.<sup>1</sup> militaris suffragatio urbanae, sit idem magnificentissimos et nullos umquam fecisse ludos; quid? In ipsa praetura nihilne existimas inter tuam et huius sortem interfuisse? XX. Huius sors ea fuit quam omnes tui necessarii tibi optabamus, iuris dicundi; in qua gloriam conciliat magnitudo negotii, gratiam aequitatis largitio; qua in sorte sapiens praetor qualis hic fuit offensionem vitat aequabilitate decernendi, benevolentiam adiungit lenitate audiendi. Egregia et ad consulatum apta provincia in qua laus aequitatis, integritatis, facilitatis ad extremum ludorum voluptate concluditur. Quid tua sors? Tristis, atrox, quaestio peculatus, ex altera parte lacrimarum et squaloris, ex altera plena catenarum atque indicum; cogendi iudices inviti, retinendi contra voluntatem; scribe damnatus, ordo totus alienus; Sullana gratificatio reprehensa, multi viri fortes et prope
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<sup>1</sup> militari added by Halm.

\* The games referred to were those given by Cicero and Antonius when they were aediles with the hope of thus securing votes for the praetorship. They were later (66) colleagues in that office. *Argenteam scaenam*, "silvered spectacle," refers to elaborate stage-effects in Murena's shows.

<sup>b</sup> Apparently the reference is to the allotments of land given his soldiers by Sulla.

tion and the enjoyment of pleasure.' Therefore, believe me, men do find pleasure in games, not only those who admit it, but those as well who pretend they do not. This I learned in my own campaign. For I too had a rival in giving public spectacles. But if I who had given three sets of games when I was aedile still was much disgusted by the games of Antonius,<sup>a</sup> do you think that that silvered spectacle of your opponent which you ridicule did you no harm—you who by chance had given no games at all?

But granted that all these things are really equal, 41 that activity in civil life equals military service, that the votes of the soldiers equal those of the civilians, granted that it be the same thing to have given most elaborate games and none whatsoever, what then? In the office of praetor itself do you imagine there was no difference between his lot and yours? XX. His lot gave him what all your friends hoped you would receive—the duty of holding court; in this the importance of the business transacted confers distinction; the dispensing of justice confers influence; in this duty a wise praetor—as he was—by impartiality in his decisions avoids giving offence, he wins goodwill by the courtesy with which he hears his cases. It is an excellent sphere of activity and one that fits a man for the consulship. Here a reputation for even-handedness, integrity, affability is crowned at the last by delightful public games. What did your lot 42 assign you? The gloomy, dismal embezzlers' court full of tears and squalor for one party, of chains and informers for the other party; jurors compelled to attend, kept against their will; a jail-bird for a secretary, the whole guild of secretaries estranged; Sulla's bounty<sup>b</sup> condemned; many fine men and almost a

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pars civitatis offensa<sup>1</sup>; lites severe aestimatae; cui placet obliviscitur, cui dolet meminit. Postremo tu in provinciam ire noluisti. Non possum id in te reprehendere quod in me ipso et praetore et consule probavi. Sed tamen L. Murenæ provincia multas bonas gratias cum optima existimatione attulit. Habuit proficiscens dilectum in Umbria: dedit ei facultatem res publica liberalitatis, qua usus multas sibi tribus quae municipiis Umbriae conficiuntur adiunxit, ipse autem in Gallia ut nostri homines desperatas iam pecunias exigere aequitate diligentiaque perfectit. Tu interea Romae scilicet amicis praesto fuisti, fateor; sed tamen illud cogita nonnullorum amicorum studia minui solere in eos a quibus provincias contemni intellegant.

- 43 XXI. Et quoniam ostendi, iudices, parem dignitatem ad consulatus petitionem, dispari fortunam provincialium negotiorum in Murena atque in Sulpicio fuisse, dicam iam apertius in quo meus necessarius fuerit inferior, Servius, et ea dicam vobis audientibus amisso iam tempore quae ipsi soli re integra saepe dixi. Petere consulatum nescire te, Servi, persaepe tibi dixi; et in his rebus ipsis quas te magno et forti animo et agere et dicere videbam tibi solitus sum dicere magis te fortem accusatorem mihi videri quam sapientem candidatum. Primum accusandi terrores et minae quibus tu cotidie uti sole-

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<sup>1</sup> *Kasten reads offensa est with the MSS est was deleted by Lambinus*

<sup>a</sup> On both occasions Cicero had declined a province at the close of his term of office

<sup>b</sup> His preparations in case of defeat to prosecute his successful rivals.

section of the state rendered hostile ; heavy damages assessed ; he who is successful forgets, he who loses remembers. And finally, you were unwilling to take the government of a province. I cannot criticize in you a course of action which I followed both as praetor and as consul.<sup>a</sup> But still his province brought Lucius Murena a very good reputation and much goodwill. On his departure from Rome he levied his troops in Umbria. The conditions of the state made liberality possible for him ; by exercising this quality he put many tribes which are included in the towns of Umbria under obligation to him. In Gaul too by his justice and energy he enabled our countrymen to collect debts which they had already written off. Meanwhile you at Rome were, of course, of assistance to your friends, I admit that ; nevertheless be assured that the enthusiasm of some friends usually grows cold toward those who, they know, scorn the government of a province.

XXI. And since I have shown, gentlemen, that 43 Murena and Sulpicius were equally worthy to stand for the consulship but unequally fortunate in their administration, I shall now say more plainly in what respect my friend, Servius, is inferior and I shall say that in your hearing, gentlemen, now that the time of election has been allowed to slip by, which I often said to him alone while the election was still undecided. I have very often said to you, Servius, that you do not understand how to canvass for the consulship, and those very things which <sup>b</sup> I saw you doing and saying with such spirit and such courage, I was wont to tell you seemed to me to be the acts of a brave prosecutor rather than an astute candidate. First the intimidations and threats of prosecution which you were wont



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has sunt fortis viri, sed et populi opinionem a spe<sup>1</sup>  
 adipiscendi avertunt et amicorum studia debilitant.  
 Nescio quo pacto semper hoc fit—neque in uno aut  
 altero animadversum est sed iam in pluribus—, simul  
 atque candidatus accusationem meditari visus est, ut  
 44 honorem desperasse videatur. Quid ergo? Acceptam  
 iniuriam persequi non placet? Immo vehementer  
 placet; sed aliud tempus est petendi, aliud perse-  
 quendi. Petitorem ego, praesertim consulatus, magna  
 spe, magno animo, magnis copis et in forum et in  
 campum deduci volo. Non placet mihi inquisitio  
 candidati, praenuntia repulsae, non testium potius  
 quam suffragatorum comparatio, non minae magis  
 quam blanditiae, non declamatio potius quam persalu-  
 tatio, praesertim cum iam hoc novo more omnes fere  
 domos omnium concuisent et ex vultu candidatorum  
 coniecturam faciant quantum quisque animi et facul-  
 45 tatis habere videatur. “Videsne tu illum tristem,  
 demissum? iacet, diffidit, abiecit hastas.” Serpit hic  
 rumor. “Scis tu illum accusationem cogitare, in-  
 quirere in competitores, testis quaerere? Alium  
 faciam quoniam sibi hic ipse desperat.” Eius modi  
 rumoribus<sup>2</sup> candidatorum amici intimi debilitantur,  
 studia deponunt; aut certam rem abiciunt aut suam  
 operam et gratiam iudicio et accusationi reservant.  
 XXII. Accedit eodem ut etiam ipse candidatus to-  
 tum animum atque omnem curam operam diligentiam-

<sup>1</sup> after spe Kasten suggests the insertion of munus. the  
 MSS. read aspem: Clark suggests a spe magistratum,

<sup>2</sup> rumoribus supplied by Clark.

daily to use, are the weapons of a brave man but turn aside the people's expectation that a man will gain anything, and dampen the enthusiasm of one's friends. So one way or another this always happens—it has been noted not in one or two cases but in many—as soon as a candidate seems to be contemplating a prosecution he seems to have despaired of election. What 44 then? Is it not fitting to prosecute a wrong that has been done? Yes, indeed, quite fitting, but there is a time for seeking office and a time for prosecution. A candidate for office, especially for the consulship, I think, should be escorted to the forum and to the Campus Martius with high hopes, great enthusiasm, and great crowds of retainers. I have no pleasure in a candidate's search for charges—a herald of defeat—nor his collecting witnesses rather than voters, uttering threats rather than compliments, quarrelsome talk rather than friendly greetings, especially since, after this new fashion, almost everybody now runs about to the homes of all the candidates and from their appearance judges how much courage and resource each seems to have. “Did you see him, wrapped in gloom, 45 head hanging down? He's down, he's given up. he's thrown away his weapons.” This rumour creeps about. “Do you know he's planning a prosecution, he's investigating his opponents, he's looking for witnesses? I shall vote for someone else now that he's given up in despair.” Intimate friends of the candidates are shaken by rumours of this type. They lose their enthusiasm; they either abandon the matter as already settled, or else save their assistance and influence for the trial and the prosecution.

XXII. And further, the candidate himself cannot put all his attention, all his care, energy, and persist-

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que suam in petitione non possit ponere. Adiungitur enim accusationis cogitatio, non parva res sed nimium omnium maxima. Magnum est enim te comparare ea quibus possis hominem e civitate, praesertim non inopem neque infirmum, exturbare, qui et per se et per suos et vero etiam per alienos defendatur. Omnes enim ad pericula propulsanda concurrimus et qui non aperte inimici sumus etiam alienissimis in capitis periculis amicissimorum officia et studia praestamus. Quare ego expertus et petendi et defendendi et accusandi molestiam sic intellexi in petendo studium esse acerrimum, in defendendo officium, in accusando laborem. Itaque sic statuo fieri nullo modo posse ut idem accusationem et petitionem consulatus diligenter adornet atque instruat. Unum sustinere pauci possunt, utrumque nemo. Tu cum te de curriculo petitionis deflexisses animumque ad accusandum transtulisses, existimasti te utrique negotio satis facere posse. Vehementer errasti. Quis enim dies fuit, posteaquam in istam accusandi denuntiationem ingressus es, quem tu non totum in ista ratione consumpseris? XXIII. Legem ambitus flagitasti, quae tibi non deerat; erat enim severissime scripta Calpurnia. Gestus est mos et voluntati et dignitati tuae. Sed tota illa lex accusationem tuam, si haberes nocentem reum, fortasse armasset; petitioni vero refragata est. Poena gravior in plebem tua voce efflagitata est; commoti animi tenuiorum. Exsilium in nostrum ordinem; concessit senatus postulationi

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<sup>a</sup> To a penalty of fine and civil disability provided by earlier laws, the Calpurnian law, 63 B.C., provided for expulsion from the senate. Cicero's law of 63 added a civil penalty.

ence into his campaign. For thoughts of the prosecution are ever with him—no little matter, but of course most important of all. For it is a great task to assemble those facts by which you can drive a man from the country—especially a man not poor nor weak, who is defended by his own efforts, and the help of his friends, and even the assistance of strangers. For we all hurry to the defence, and those of us who are not open enemies, perform the offices and duties of very intimate friends at the trials of even entire strangers. Therefore I, who have had experience 46 of the difficulties of seeking office, of conducting a defence, of bringing an accusation have thus become aware that, in seeking office, enthusiasm is the sharpest weapon, in a defence it is loyalty. in an accusation it is hard work. And so it is my fixed belief that in no way can the same man conscientiously arrange and prepare a prosecution and a campaign for the consulship. Few can do one—both, no man. When you turned from the race for office and gave your attention to a prosecution you thought yourself capable of satisfying the demands of both activities. You were badly mistaken. For what day was there, after you entered on that announcement of prosecution, that you did not devote entirely to that occupation? XXIII. You demanded a law against bribery. There was one ready to your hand; for the Calpurnian<sup>a</sup> law had most stringent provisions. Concessions were made to your wish and your dignity. That law in its entirety would perhaps have strengthened your accusation if you had had a guilty defendant—but it shattered your campaign. Your voice demanded a heavier 47 punishment for the lower classes: the feelings of the poorer people were aroused, exile for men of our rank:

tuat, sed non libenter duriorem fortunae communis  
 condicionem te auctore constituit. Morbi excusationi  
 poena addita est; voluntas offensa multorum quibus  
 aut contra valetudinis commodum laborandum est aut  
 incommodo morbi etiam ceteri vitae fructus relin-  
 quendi. Quid ergo? Haec quis tulit? Is qui auctori-  
 tati senatus, voluntati tuae paruit, denique is tulit  
 cui minime proderant. Illa quae mea summa volun-  
 tate senatus frequens repudiavit mediocriter adver-  
 sata tibi esse existimas? Confusionem suffragiorum  
 flagitasti, perrogationem legis Maniliae, aequationem  
 gratiae, dignitatis, suffragiorum. Graviter homines  
 honesti atque in suis vicinitatibus et municipiis  
 gratiosi tulerunt a tali viro esse pugnatum ut omnes  
 et dignitatis et gratiae gradus tollerentur. Idem  
 editicios iudices esse voluisti, ut odia occulta civium  
 quae tacitis nunc discordis continentur in fortunas  
 48 optimi cuiusque erumperent. Haec omnia tibi accu-  
 sandi viam muniebant, adipiscendi obsaepebant.

Atque ex omnibus illa plaga est iniecta petitioni  
 tuae non tacente me maxima, de qua ab homine in-  
 geniosissimo et copiosissimo, Q<sup>1</sup> Hortensio, multa  
 gravissime dicta sunt. Quo etiam mihi durior locus  
 est dicendi datus ut, cum ante me et ille dixisset et  
 vii summa dignitate et diligentia et facultate dicendi,

<sup>1</sup> Q. added by Klotz.

<sup>a</sup> By such an excuse an official elect might postpone his trial till his term of office began when he would be immune.

<sup>b</sup> Cicero is trying to give the impression that he proposed the law for the punishment of bribery under pressure.

<sup>c</sup> For, having held the consulship, Cicero, without irregularities, could not at once be a candidate for further office.

<sup>d</sup> A popular vote as opposed to the established voting by centuries or tribes.

the senate granted your demand, but it was not glad to establish a harsher fate for the common lot at your behest. A penalty was established against the excuse of ill health <sup>a</sup>. That lost the goodwill of many, who have either to struggle against the distress of ill health or, in addition to the distress of illness, had to lose even the enjoyments of life. What then? Who secured the passage of this law? <sup>b</sup> He who obeyed the authority of the senate, and your wish, and who himself benefited least by its passage <sup>c</sup>. Those provisions which a full meeting of the senate refused with my enthusiastic support, do you think were only mild hindrances to you? You demanded indiscriminate <sup>d</sup> voting, the passage of the Manilian law, <sup>e</sup> an equalization of favour, rank, and voting-power. Honourable men influential in their neighbourhoods and local towns took it ill that such a man should strive to abolish all grades of honour and favour. You also wished to have jurors selected by the prosecutors, that the secret hatreds of the citizens which are now confined to silent enmity might burst forth against the fortunes of every decent man. All these things paved your way to a prosecution <sup>f</sup> 48 they barred you from election.

But the greatest of all these blows against your campaign fell not without a warning from me. My noble and eloquent friend, Quintus Hortensius, has spoken fully and very convincingly on this point. And a rather difficult order in speaking has been given me. For Hortensius has spoken before me as well as Marcus Crassus, a man of very great rank, thorough-

\* A law establishing the popular veto—not the law advocated by Cicero giving Pompey extra-constitutional powers.

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M. CISSUS, ego<sup>f</sup> in extremo non partem aliquam agerem causae sed de tota re dicerem quod mihi videretur. Itaque in isdem rebus fere visor et, quoad possum, iudices, occurro vestrae satietati.

XXIV Sed tamen, Servi, quam te securum putas iniectisse petitioni tuae, cum populum Romanum in eum metum adduxisti ut pertimesceret ne consul Catilina fieret, dum tu accusationem comparares  
49 deposita atque abiecta petitione<sup>?</sup> Etenim te inquirere videbant, tristem ipsum, maestos amicos; observationes, testificationes, seductiones testium, secessiones subscriptorum animadvertabant, quibus rebus certe ipsi candidatorum vultus<sup>1</sup> obscuriores videri solent; Catilinam interea alacrem atque laetum, stipatum choro iuventutis, vallatum indicibus atque sicaris, inflatum cum spe militum tum<sup>2</sup> collegae mei, quem ad modum dicebat ipse, promissis, circumfluentem colonorum Arretinorum et Faesulanorum exercitu; quam turbam dissimillimo ex genere distinguebant homines percussi Sullani temporis calamitate. Vultus erat ipsius plenus furoris, oculi sceleris, sermo arrogantiae, sic ut ei iam exploratus et domi conditus consulatus videretur. Murenā contemnebat, Sulpiciū accusatorem suū numerabat, non competitorē; ei vim denunciabat, rei publicae  
50 minabatur. XXV. Quibus rebus qui timor bonis omnibus iniectus sit quantaque desperatio rei publicae, si ille factus esset, nolite a me commoneri velle, vosmet ipsi vobiscum recordamini. Meministis enim,

<sup>1</sup> vultus added in the editio princeps, Venice, 1471.

<sup>2</sup> tum added by the corrector in Codex Lau. xc.

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<sup>a</sup> Catiline was one of the candidates and the defeat of Servius might have given him the election.

ness, and fluency. So I, in speaking last, am to deal, not with a part, but with the whole case and make what I can of it. And so I am discussing almost the same points as they did, but so far as I can, gentlemen, I shall avoid wearying you.

XXIV But still, Servius, what an axe do you think you laid to your campaign when you brought the Roman people to fear that Catiline<sup>a</sup> might be elected consul while you were getting up a prosecution, giving up and utterly abandoning your own campaign<sup>1</sup> For 49 they saw you setting inquiries on foot, yourself despondent, your friends gloomy; they noted your spying, your depositions, your sly conferences with witnesses, your withdrawing of joint accusers, and by these things surely the very countenances of candidates are always rendered despondent. Meanwhile, they beheld Catiline bold and happy, accompanied by a crowd of youths, protected by informers and assassins, exalted not only with hopes of the soldiers but also with the promises—as he himself says—of my colleague,<sup>b</sup> surrounded by an army of settlers from Arretium and Faesulae—a mob with here and there men of a very different type afflicted by the disaster of Sulla's regime. His countenance was so full of madness, his eyes of crime, his speech of arrogance, that it seemed as if he had already hunted out the consulship and locked it up in his home. He looked with contempt on Murena, he regarded Sulpicius as his prosecutor, not his rival, he menaced him with violence, he threatened the state. XXV. Do not ask me to 50 recall what terror fell on all upright men because of these things, what despair assailed the state at the prospect of his election. Recall it for yourselves. For

<sup>a</sup> C. Antonius Hybrida,



cum illius nefarii gladiatoris voces perciebant, quas habuisse in contione domestica dicebatur, cum miserorum fidelem defensores negasset inveniri posse nisi eum qui ipse miser esset; integrorum et fortiorum promissis saucios et miseros credere non oportere; quare qui consumpta replere, erepta recuperare vellent, spectarent quid ipse deberet, quid consideret, quid auderet; minime timidum et valde calamitosum esse oportere eum qui esset futurus  
 51 dux et signifer calamitosorum—Tum igitur, his rebus auditis, meministis fieri senatus consultum referente me ne postero die comitia haberentur, ut de his rebus in senatu agere possemus. Itaque postridie frequenti senatu Catilinam excitavi atque eum de his rebus iussi, si quid vellet, quae ad me adlatæ essent dicere. Atque ille, ut semper fuit apertissimus, non se purgavit sed indicavit atque induit. Tum enim dixit duo corpora esse rei publicae, unum debile infirmo capite, alterum firmum sine capite; huic, si ita de se meritum esset, caput se vivo non defuturum. Congemuit senatus frequens neque tamen satis severe pro rei indignitate decrevit; nam partim ideo fortes in decernendo non erant, quia nihil timebant, partim, quia timebant nimium. Atque<sup>1</sup> erupit e senatu triumphans gaudio quem omnino vivum illinc exire non oportuerat, praesertim cum idem ille in eodem ordine paucis diebus ante Catoni, fortissimo viro, iudicium minitanti ac denun-

<sup>1</sup> nimium at *is Muller's suggestion*. *Clark reads omnia and omits que.*

you remember there had spread abroad a report of that villainous ruffian's words uttered, it is said, in a meeting at his home : that no faithful champion of the wretched could be found except one who was himself wretched ; that those who were down and out ought not to trust the promises of the solvent and the fortunate ; so let those who wished to refill their empty purses and recoup their losses see what debts, what possessions, what daring he himself had ; that he who was to be the general and standard-bearer of the unfortunate should himself be least timid and most unfortunate. Then indeed, in view of this utterance, you remember 51 that a decree of the senate was passed on my proposal, providing that no election should be held next day, so that we might be able to discuss these things in the senate. So on the next day, in a crowded senate, I called on Catiline, and bade him—if he had any desire—speak of the things which had been reported to me. And he, unreserved as he always was, did not excuse himself, but gave evidence against himself and incriminated himself. For he then said that there were two bodies in the state—one frail with a weak head, the other sturdy but without a head ; this body if it deserved his support should not lack a head so long as he lived. The crowded senate groaned, but still it did not pass a vote as severe as the insult deserved. For some of the senators were not so bold in suggesting resolutions because they saw nothing to fear, and some of them because they feared too much. He flung himself out of the senate joyously triumphant, though he should not have left that place alive at all, especially since this same man in this same assembly a few days before had said to that courageous man, Cato, who was threatening him with a trial and

tianti respondisset, si quod esset in suas fortunas incendium excitatum, id se non aqua sed ruina restin-  
 52 cturum. XXVI. His tum rebus commotus et quod homines iam tum coniuratos cum gladius in campum deduci a Catilina sciebam. descendî in campum cum firmissimo praesidio fortissimorum virorum et cum illa lata insignique lorica, non quae me tegeret—etenim sciebam Catilinam non latus aut ventrem sed caput et collum solere petere—verum ut omnes boni animadverterent et, cum in metu et periculo consulem viderent, id quod est factum, ad opem praesidiumque concurrerent. Itaque cum te, Servi, remissiore in petendo putarent, Catilinam et spe et cupiditate inflammatum viderent, omnes qui illam ab re publica pestem depellere cupiebant ad Murenam  
 53 se statim contulerunt. Magna est autem comitis consularibus repentina voluntatum inclinatio, praesertim cum incubuit ad virum bonum et multis aliis adiumentis petitionis ornatum. Qui cum honestissimo patre atque maioribus, modestissima adulescentia, clarissima legatione, praetura probata in iure, grata in munere, ornata in provincia petisset diligenter, et ita petisset ut neque minanti cederet neque cuiquam minaretur, huic mirandum est magno adiumento Catilinae subitam spem consulatus adipiscendi fuisse ?

54 Nunc mihi tertius ille locus est relictus orationis, de ambitus criminibus, perpurgatus ab eis qui ante me dixerunt, a me, quoniam ita Murena voluit, retrac-

making a formal announcement of it, that if his plans were set afire he would extinguish the conflagration, not with water, but with a general ruin. XXVI. Moved by these actions, and because I knew 52 that Catiline was bringing men armed with swords who had already formed a conspiracy, into the Campus Martius, I went into the Campus with a very strong guard of brave men, and wearing that broad and conspicuous cuirass, not that it might protect me, for I knew that Catiline had a habit of striking, not at the side or the belly, but at the head and neck, but that all respectable citizens might take note and, seeing their consul in peril and danger, might rush to his aid and assistance—as they actually did. And so, Servius, when they thought you rather slow in pushing your campaign, and saw Catiline aflame with hope and eagerness, all those who desired to cast this pest out of the state at once transferred their support to Murena. And a great change of favour takes place 53 very suddenly in a consular election, especially when the current sets toward a man who is upright and who is supported in his campaign by many other advantages. Since he eagerly sought the election, recommended by a father and ancestors most honoured, a youth most modestly spent, a very glorious service on a general's staff, a praetorship honoured in its administration of justice, popular because of its games, distinguished for its service, and since he acted without yielding to threats or threatening anyone, is it any cause for astonishment that Catiline's sudden hope of winning the consulship aided him greatly?

Now the third division of my speech remains; it 54 concerns the charges of bribery. This has been refuted by those who have spoken before me, but I must dis-

tandus : quo in loco C.<sup>1</sup> Postumo, familiari meo, ornatissimo viro, de divitiarum indicis et de deprehensis pecuniis, adulescenti ingenioso et bono, Ser. Sulpicio, de equitum centuriis, M. Catoni, homini in omni virtute excellenti, de ipsius accusatione, de senatus consulto, de re publica respondebo XXVII. Sed  
 55 pauca quae meum animum repente moverunt prius de L. Murenæ fortuna conquerar. Nam cum saepe antea, iudices, et ex aliorum miseriis et ex meis curis laboribusque cotidianis fortunatos eos homines iudicarem qui remoti a studiis ambitionis otium ac tranquillitatem vitae secuti sunt, tum vero in his L. Murenæ tantis tamque improvisis periculis ita sum animo adfectus ut non queam satis neque communem omnium nostrum condicionem neque huius eventum fortunamque miserari. Qui primum, dum ex honoribus continuis familiae maiorumque suorum unum ascendere gradum dignitatis conatus est, venit in periculum ne et ea quae ei<sup>2</sup> relictæ, et hæc quae ab ipso partæ sunt amittat, deinde propter studium novæ laudis etiam in veteris fortunæ dis-  
 56 crimen adducitur. Quæ cum sunt gravia, iudices, tum illud acerbissimum est quod habet eos accusatores, non qui odio inimicitiarum ad accusandum, sed qui studio accusandi ad inimicitias descenderint. Nam ut omittam Servium Sulpicium quem intellego non iniuria L. Murenæ sed honoris contentione per-  
 motum, accusat paternus amicus, C. Postumus, vetus, ut ait ipse, vicinus ac necessarius, qui necessitudinis

<sup>1</sup> C. added to the text by Zumpt.

<sup>2</sup> ei added by Halm.

cuss it anew since Murena so desires. In this place I shall answer my accomplished friend, Gaius Postumus, regarding the evidence of agents of bribery and moneys that were seized, I shall answer that clever and good young man, Servius Sulpicius, regarding the centuries of the knights, I shall answer Marcus Cato, a man excelling in every virtue, regarding his own accusation, regarding the decree of the senate, regarding the state in general. XXVII But first I shall speak with sorrow of a few things which have just occurred to me about the ill fortune of Lucius Murena. For ere this, gentlemen, thinking of the troubles of others and of my own daily cares and labours I often deemed those men fortunate who pursued a calm and tranquil life far from the rivalries of ambition, and now indeed I am so profoundly affected by these great and unexpected troubles of Lucius Murena that I cannot pity enough the common lot of us all nor his experience and ill fortune. In the first place, while he tried to advance a single grade in office beyond the rank repeatedly held by his family and his ancestors, he has come into danger of losing both the things he inherited and those which he had himself won. In the second place, in his eagerness for new distinctions he is endangering his old good fortune. While these things are hard to bear, gentlemen, this is worst of all—that his accusers are actually those men who are not led to prosecute him by personal hatred, but are led to personal hatred by their eagerness for prosecution. For, not to mention Servius Sulpicius, who is moved, I know, not by any wrong on the part of Lucius Murena, but by the rivalry for preferment, he is accused by his father's friend, Gaius Postumus, an old neighbour, as he himself says, and friend. He

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causas compluribus protulit, simultatis nullam commemorare potuit. Accusat Ser. Sulpicius, sodalis filius, cuius ingenio paterni omnes necessariæ munitiones esse debebant; accusat M. Cato qui cum a Murena nulla re umquam alienus fuit, tum ea condicione nobis erat in hac civitate natus ut eius opes, ut ingenium praesidio multis etiam alienis, exitio vix cuiquam  
 57 inimico esse deberet. Respondebo igitur Postumo primum qui nescio quo pacto mihi videtur praetorius candidatus in consularem quasi desultorius in quadrigarum curriculum incurrere. Cuius competitores si nihil deliquerunt, dignitati eorum concessit, cum petere destitit; sin autem eorum aliquis largitus est, expetendus amicus est qui alienam potius iniuriam quam suam persequatur.

### DE POSTUMI CRIMINIBUS, DE SERVI ADULESCENTIS

58 XXVIII. Venio nunc ad M. Catonem, quod est fundamentum ac robur totius accusationis; qui tamen ita gravis est accusator et vehemens ut multo magis eius auctoritatem quam criminationem per timescam. In quo ego accusatore, iudices, primum illud deprecabor ne quid L. Murenæ dignitas illius, ne quid expectatio tribunatus, ne quid totius vitæ splendor

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<sup>a</sup> The circus rider (*desultor*) was inferior to the driver of a four-horse chariot.

<sup>b</sup> Postumus should have prosecuted one of his competitors, not Murena, a competitor of Sulpicius.

<sup>c</sup> The discussion of these charges was perhaps not in-

had many reasons for friendship, he could name no reason for enmity. He is accused by Servius Sulpicius, the son of his close companion, whose ability should have been employed to protect more completely all his father's friends. He is accused by Marcus Cato, a man who never was Murena's enemy in any matter. and, moreover, his position by birth among us in this state is such that his resources and his genius should be a protection to many, even strangers, a cause of ruin scarcely even to any enemy. I shall answer Postumus first. Though he is a candi- 57 date only for the praetorship, he seems to me somehow to be interfering with the consular candidate like a circus rider's horse fouling a four-horse chariot.<sup>a</sup> If his competitors committed no illegal acts, he conceded their superiority when he withdrew from the canvass, but if any of them did commit bribery, then he is indeed a friend to be desired, for his prosecution is aiding another man and not himself.<sup>b</sup>

DISCUSSION OF THE CHARGES OF POSTUMUS AND THE  
CHARGES OF THE YOUNG MAN SERVIUS <sup>c</sup>

XXVIII. I come now to Marcus Cato. He is the 58 foundation and the strength of the whole prosecution. He is a man of such weight, and so insistent a prosecutor, that I fear his influence much more than his accusation. In the case of this prosecutor, gentlemen, I pray this first—that his dignity, that his expectation of the office of tribune,<sup>d</sup> that the glory and cluded by Cicero in the published speech. At least no manuscripts now contain them.

<sup>d</sup> Cato had just been elected tribune—to assume office December tenth.



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et gravitas noceat, denique ne ea soli huic obsint bona M. Catonis quae ille adeptus est ut multis prodesse possit. Bis consul fuerat P. Africanus et duos terrores huius imperii, Carthaginem Numantiamque, deleverat cum accusavit L. Cottam. Erat in eo summa eloquentia, summa fides, summa integritas, auctoritas tanta quanta in imperio populi Romani quod illius opera tenebatur. Saepe hoc maiores fuit dicere audiui, hanc accusatoris eximiam vim et<sup>1</sup> dignitatem plurimum L. Cottae profuisse. Noluerant sapientissimi homines qui tum rem illam iudicabant ita quemquam cadere in iudicio ut nimis  
 59 adversarii viribus abiectus videretur. Quid? Ser. Galbam—nam traditum memoriae est—nonne proavo tuo, fortissimo atque florentissimo viro, M. Catoni, incumbenti ad eius perniciem populus Romanus eripuit? Semper in hac civitate nimis magnis accusatorum opibus et populus universus et sapientes ac multum in posterum prospicientes iudices restiterunt. Nolo accusator in iudicium potentiam adferat, non vim maiorem aliquam, non auctoritatem excellentem, non nimiam gratiam. Valeant haec omnia ad salutem innocentium, ad opem impotentium, ad auxilium calamitosorum, in periculo vero et in perniciē

<sup>1</sup> vim et *Clark's suggestion. the MSS. read vim.*

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<sup>a</sup> Lucius Aurelius Cotta was accused of extortion by Scipio Africanus the younger, conqueror of Carthage and Numantia, twice consul and censor, between the years 132–129 B.C. He was undoubtedly guilty but was acquitted for the reason here given by Cicero.

<sup>b</sup> Servius Sulpicius Galba had, in 150 B.C., caused an outrageous and thorough massacre of the Lusitanians. He was accused the following year by T. Scribonius Libo and Cato,

honour of his whole life, may not injure Lucius Murena at all; next that those resources of Marcus Cato, which he has acquired to help many, may not injure this man alone Publius Africanus had been consul twice, he had destroyed those two threats to this government, Carthage and Numantia, at the time when he accused Lucius Cotta.<sup>a</sup> He had the greatest eloquence, the greatest honour, the greatest uprightness. His influence was as great as that of the government of the Roman people which his labours preserved. Often have I heard old men say that the extraordinary force and dignity of this prosecutor greatly assisted Lucius Cotta. The wise men who then judged that case did not believe that any man should lose a case in such a way that people would believe he had been convicted by the over-~~powering~~ resources of his accusers. Again, did not the Roman people (for 59 so tradition says) snatch Servius Galba<sup>b</sup> from the clutches of that most brave and prosperous man, Marcus Cato, your great-grandfather, though he bent every effort to convict him? The whole people and wise and far-sighted judges in this state have always resisted prosecutors who had too great resources. I do not believe that a prosecutor should bring to court absolute power, or overwhelming force, or extraordinary influence, or too much popularity. Let all these avail for the protection of the innocent, for the assistance of the weak, for the help of those in trouble; but in the trial and in

then 85 years old. He made no defence but produced in court his own children and others borrowed from relatives, wept and begged for mercy and was acquitted. This case and that of Cotta became famous illustrations of the miscarriage of justice. *Cic. Brut.* 23; *Tac. Ann.* iii. 66.

60 civium repudientur. Nam si quis hoc forte dicet, Catonem descensurum ad accusandum non fuisse, nisi prius de causa iudicasset, inquam legem, iudices, et miseram condicionem instituet periculis hominum, si existimabit iudicium accusatoris in reum pro aliquo praeiudicio valere oportere

XXIX Ego tuum consilium, Cato, propter singulare animi mei de tua virtute iudicium vituperare non possum<sup>1</sup>; nonnulla forsitan conformare et leviter emendare possim. "Non multa peccas," inquit ille fortissimo viro senior magister, "sed peccas; te regere possum." At ego non te; verissime dixerim peccare te nihil neque ulla in re te esse huius modi ut corrigendus potius quam leviter inflectendus esse videre. Finxit enim te ipsa natura ad honestatem, gravitatem, temperantiam, magnitudinem animi, iustitiam, ad omnes denique virtutes magnum hominem et excelsum. Accessit istuc doctrina non moderata nec mitis sed, ut mihi videtur, paulo asperior et durior quam aut veritas aut natura patitur.

61 Et quoniam non est nobis haec oratio habenda aut in imperita multitudine aut in aliquo conventu agrestium, audacius paulo de studiis humanitatis quae et mihi et vobis nota et iucunda sunt disputabo. In M. Catone, iudices, haec bona quae videmus divina et egregia ipsius scitote esse propria; quae nonnumquam requirimus, ea sunt omnia non a natura verum a magistro. Fuit enim quidam summo ingenio vir, Zeno, cuius inventorum aemuli Stoici nominantur.

<sup>1</sup> non possum *the emendation of the corrector of Codex Laur. xc.*

<sup>2</sup> Phoenix to Achilles—a quotation from some unknown play.

the condemnation of citizens, let them be rejected. For if anyone will perhaps declare that Cato would 60 not have stooped to bring an accusation unless he had first reached a decision about the case, he will be creating an unfair precedent, gentlemen, and a hard situation for men on trial, if he is to assume that the judgement of the prosecutor ought to have weight as a presumption against the defendant.

XXIX. I admire your character too much, Marcus Cato, to condemn your intention; some details I might perhaps alter and slightly change. "You do not make many mistakes," says that well-known old guardian to a very brave man,<sup>a</sup> "but you do make mistakes. I can correct you." But I cannot correct you. I would most truthfully say that you make no mistakes at all, and that you seem the kind of man who deserves, not so much correction in anything, as a slight restraint. For nature has fashioned you for honesty, dignity, temperance, magnanimity, justice; in fact, she has fashioned you to be a man great and exalted in every virtue. To these endowments you have added a creed not gentle nor mild, but, as it seems to me, a little too harsh and severe for reality and human nature to bear. And since my address is 61 to be delivered, not before an ignorant crowd or in some gathering of rustics, I shall speak with a little more boldness regarding cultural studies which are cherished and beloved both by you and by me. Be assured that these divine and excellent qualities which we see, gentlemen, in Marcus Cato are innate in him; those qualities which we sometimes deprecate in him, all these come, not from his nature, but from his master. His master was Zeno, a man of surpassing ability. Those who strive to follow his teach-

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Huius sententiae sunt et praecepta eius modi Sapientem gratia numquam moveri, numquam cuiusquam delicto ignoscere ; neminem misericordem esse nisi stultum et levem ; viri non esse neque exorari neque placari ; solos sapientes esse, si distortissimi sint, formosos, si mendicissimi divites, si servitutem serviant, reges ; nos autem qui sapientes non sumus fugitivos, exsules, hostis, insanos denique esse dicunt ; omnia peccata esse paria ; omne delictum scelus esse nefarium, nec minus delinquere eum qui gallum gallinaceum, cum opus non fuerit, quam eum qui patrem suffocaverit ; sapientem nihil opinari, nullus rei paenitere, nulla in re falli, sententiam mutare  
62 numquam. XXX. Hoc homo ingeniosissimus, M. Cato, auctoribus eruditissimis inductus arripuit, neque disputandi causa, ut magna pars, sed ita vivendi Petunt aliquid publicani ; cave ne<sup>1</sup> quicquam habeat momenti gratia. Supplices aliqui veniunt miseri et calamitosi ; sceleratus et nefarius fueris, si quicquam misericordia adductus feceris. Fatetur aliquis se peccasse et sui delicti veniam petit ; “ nefarium est facinus ignoscere.” At leve delictum est ; “ omnia peccata sunt paria.” Dixisti quippiam : “ fixum et statutum est.” Non re ductus es sed opinione : “ sapiens nihil opinatur.” Errasti aliqua in re ; male dici putat. Hac ex disciplina nobis illa sunt : “ Dixi in senatu me nomen consularis candidati delaturum.” Iratus dixisti “ Numquam ” inquit “ sapiens iras-

,<sup>1</sup> ne added by Clark.

ings are called Stoics. His maxims and precepts are of this type · the wise man is never influenced by favour, never forgives anyone's sin. No man is merciful except the fool and trifler ; a real man is not influenced by entreaties or prayers ; philosophers alone, even if they be most hideous, are handsome, if they are very poor, they are still rich, if they are in slavery, they are still kings. But we who are not philosophers, they say, are runaway slaves, exiles, public enemies. even lunatics All sins are equal, every peccadillo is a deadly crime He commits no less a crime who unnecessarily strangles a cock, than the man who strangles his father ; the philosopher surmises nothing, repents of nothing, is never wrong, never changes his opinion XXX. This doctrine 62 Marcus Cato, with his keen intellect, eagerly embraced under the direction of his learned teachers, not merely as an exercise for discussion—like most men—but as a rule of life. The tax-collectors want something : “ Take care that favouritism have not the slightest part in your action.” Some suppliants come in miserable and grief-stricken · “ You would be a rascal and a criminal if you should act on the dictates of mercy.” Someone admits he has offended and asks pardon for his fault · “ It is a crime to forgive a wrong.” But it is a trifling fault ; “ All sins are equal.” You have made some statement : “ It is fixed and unalterable.” But you were influenced not by fact but by surmise · “ The philosopher surmises nothing ” You made a mistake · he thinks you spoke maliciously. From this school of philosophy this sort of thing happens to us . “ I said in the senate that I would prosecute one of the consular candidates ” You were angry when you said that.

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citur." At temporis causa. "Improbi" inquit  
 "hominis est mendacio fallere; mutare sententiam  
 63 turpe est, exorari scelus, miseri flagitium." Nostri  
 autem illi—fatebor enim, Cato, me quoque in adulescentia diffusum ingenio meo quaesisse adiumenta doctrinae—, nostri, inquam, illi a Platone et Aristotele, moderati homines et temperati, aiunt apud sapientem valere aliquando gratiam; viri boni esse misereri; distincta genera esse delictorum et dispares poenas; esse apud hominem constantem ignoscendi locum; ipsum sapientem saepe aliquid opinari quod nesciat, irasci non numquam, exorari eundem et placari, quod dixerit interdum, si ita rectius sit, mutare, de sententia decedere aliquando; omnis virtutes  
 64 mediocritate quadam esse moderatas. XXXI. Hos ad magistros si qua te fortuna, Cato, cum ista natura detulisset, non tu quidem vir melior esses nec fortior nec temperantior nec iustior—neque enim esse potes—sed paulo ad lenitatem propensior. Non accusares nullis adductus inimiciis, nulla lacesitus iniuria, pudentissimum hominem summa dignitate atque honestate praeditum; putares, cum in eiusdem anni custodia te atque L. Murenam fortuna posuisset, aliquo te cum hoc rei publicae vinculo esse coniunctum; quod atrociter in senatu dixisti, aut non dixisses aut, si posuisses,<sup>1</sup> mitiorem in partem in-  
 65 terpretarere. Ac te ipsum, quantum ego opinione auguror, nunc et animi quodam impetu concitatum

<sup>1</sup> *the mss. read aut seposuisses aut the correction aut si posuisses was suggested by Ilotoman and adopted by Halm in his second edition.*

\* The one as consul, the other as tribune.

"A philosopher is never angry," says he. But you were temporizing. "To lie," he says, "is the action of a criminal, to change one's opinion is disgraceful, to pardon is a sin, to pity is a crime." But our 63 masters—for I will admit, Cato, that I also in youth, distrustful of my ability, sought the support of philosophy—our masters, I say, the followers of Plato and Aristotle, conservative and careful men, say that sometimes influence does have weight with the philosophers, that a good man does show mercy; that sins differ in degree, and deserve different punishments; a steadfast man may forgive, the philosopher himself often surmises something he does not know, he is sometimes angry, he too is influenced by entreaties and prayers, sometimes he alters what he has said, if it be better so; he sometimes abandons a stand he has taken; all virtues are tempered by a mean, so to speak. XXXI. If some good fortune, Cato, had 64 taken you with your natural ability to such teachers, you would not indeed have been better or braver or more temperate or more just, for that would have been impossible, but you would have been a little more given to kindness. You would not, unprovoked by any unfriendly act or unassailed, have brought an accusation against a most conscientious man possessed of the greatest dignity and honour; you would have thought, since fortune had made you and Lucius Murena magistrates responsible for the same year,<sup>a</sup> that you were bound to him by some responsibility for the state; you would not have made those bitter charges in the senate, or, if you had made them, you would have put a milder interpretation on them. And you yourself, so far as I can divine, are 65 just now overwrought by mental excitement, exalted



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et vi naturae atque ingenii elatum et recentibus praeceptorum studiis flagrantem iam usus flectet, dies leniet, aetas mitigabit. Etenim isti ipsi mihi videntur vestri praeceptores et virtutis magistri fines officiorum paulo longius quam natura vellet protulisse ut, cum ad ultimum animo contendissemus, ibi tamen ubi oporteret consisteremus. "Nihil ignoveris." Immo aliquid, non omnia. "Nihil gratiae causa feceris." Immo resistito gratiae, cum officium et fides postulabit. "Misericordia commotus ne sis." Etiam, in dissolvenda severitate; sed tamen est laus aliqua humanitatis. "In sententia permaneto." Vero, nisi sententiam sententia alia vicerit melior

66 Huiusce modi Scipio ille fuit quem non paenitebat facere idem quod tu, habere eruditissimum hominem Panaetium domi; cuius oratione et praeceptis, quamquam erant eadem ista quae te delectant, tamen asperior non est factus sed, ut accepi a senibus, lenissimus. Quis vero C. Laelio comior fuit,<sup>1</sup> quis iucundior eodem ex studio isto, quis illo gravior, sapientior? Possum de L. Philo, de C. Gallo dicere haec eadem, sed te domum iam deducam tuam. Quemquamne existimas Catone, proavo tuo, commodiorem, communiorem, moderatiorem fuisse ad omnem rationem humanitatis? De cuius praestanti virtute cum vere graviterque diceres, domesticum te habere dixisti exemplum ad imitandum. Est illud quidem exemplum tibi propositum domi, sed tamen naturae

<sup>1</sup> fuit *added by Clark*.

<sup>a</sup> Scipio entertained Panaetius, the Stoic; Cato, the Stoic, Athenodorus.

<sup>b</sup> This description of the cantankerous old red-headed

by the power of your innate genius,<sup>1</sup> and inspired by your recent philosophical studies. I predict that you yourself will soon be changed by experience, softened by time, and mellowed by age. Indeed those very masters of yours and those ethical teachers seem to me to have pushed the limits of duty a little farther than nature intended—she intended that when we had been striving intellectually towards the ultimate, we should nevertheless halt at the place where we ought to “You will forgive nothing.” Rather something—not all “You will do nothing because of influence.” Rather resist influence when duty and honour shall demand. “Be not moved by pity.” Yes, in tempering cruelty; but still kindness deserves some praise. “Abide by your own opinion.” Yes, unless some better opinion shall prevail over your opinion. Our famous Scipio was a man of that type <sup>66</sup> He was not ashamed to do what you are doing—to entertain the philosopher Panaetius<sup>a</sup> in his own home. By his discourse and his teaching, although it was the same teaching in which you delight, he was still not made sterner, but, as I have heard from old men, most gentle. But who was more gracious or more agreeable than Gaius Laelius as a result of that same study, who had greater influence, who was wiser? I can say these same things of Lucius Philus, of Gaius Gallus, but now I will bring you into your own home. Do you think that anyone was more kind, more companionable, more open to every feeling of kindness, than Cato, your great-grandfather?<sup>b</sup> When you spoke with truth and conviction of his notable virtue, you said that you had in your family a pattern for imitation. You have indeed a pattern set before you

censor must have been something like news to Cicero's audience.

similitudo illius ad te magis qui ab illo ortus es quam ad unum quemque nostrum pervenire potuit, ad imitandum vero tam mihi propositum exemplar illud est quam tibi. Sed si illius comitatem et facilitatem tuae gravitati severitatisque asperseris, non ista quidem erunt meliora, quae nunc sunt optima sed certe condita iucundius.

- 67 XXXII. Quare, ut ad id quod institui revertar, tolle mihi e causa nomen Catonis, remove vim, praetermitte auctoritatem quae in iudicio aut nihil valere aut ad salutem debet valere, congregare mecum criminibus ipsis. Quid accusas, Cato, quid adfers ad iudicium, quid arguis? Ambitum accusas; non defendo. Me reprehendis, quod idem defendam quod lege poenierim. Poenivi ambitum, non innocentiam; ambitum vero ipsum vel tecum accusabo, si voles. Dixisti senatus consultum me referente esse factum, si mercede<sup>1</sup> obviam candidatis issent, si conducti sectarentur, si gladiatoribus vulgo locus tributim et item prandia si vulgo essent data, contra legem Calpurniam factum videri. Ergo ita senatus si iudicat, contra legem facta haec videri, si facta sint, decernit quod nihil opus est, dum candidatis morem gerit. Nam factum sit necne vehementer quaeritur; si factum sit, quin contra legem sit dubitare nemo
- 68 potest. Est igitur ridiculum, quod est dubium, id relinquere incertum, quod nemini dubium potest esse, id iudicare. Atque id decernitur omnibus postulan-

<sup>1</sup> *after mercede some inferior MSS. read conducti and corrupti.*

at home. But still you who are descended from him can more easily imitate his character than any one of us, yet he is set up as an example for my imitation quite as much as for yours. But if you would flavour your dignity and sternness with his kindness and affability, those qualities would not indeed be better—for that is impossible—but at least they would be more pleasantly seasoned.

XXXII. Therefore, to return to the point at which 67 I began—take Cato's name, please, out of the case, forget his enthusiasm, disregard his influence. In a trial this should either have no force at all or should count for acquittal. Join issue with me on the charges themselves. What accusation do you make, Cato, what charge are you bringing to the trial, what is your argument? You are attacking bribery; I do not defend it. You blame me because I would defend the same thing on which I laid a penalty. I punished bribery, not innocence. I will even join you in accusing bribery, if you wish. You said that at my instance a decree of the senate was passed declaring that the Calpurnian law was contravened, if men were paid to meet the candidates, if hirelings followed in their train, if at the gladiatorial fights places were given for the crowd, tribe by tribe, and if likewise indiscriminate feasts were given. So, if the senate resolves that these acts would be illegal if they were committed, its resolution, while humouring the candidates, is pointless. But the urgent question is: "Was bribery committed?" If it was, there is no doubt that it was illegal.\* It is ludicrous, therefore, 68 for the senate to leave uncertain what is in doubt, and to pass a resolution about this regarding which no one can be uncertain. And this resolution was passed at

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ribus candidatis, ut ex senatus consulto neque cuius intenisit, neque contra quem sit intellegi possit. Quare doce a L. Murena illa esse commissa ; tum egomet tibi contra legem commissa esse concedam

XXXIII " Multi obviam prodierunt de provincia decedenti." Consulatum petenti solet fieri ; eccui autem non proditur revertenti ? " Quae fuit ista multitudo ? " Primum, si tibi istam rationem non possim reddere, quid habet admirationis tui vno advenienti, candidato consulari, obviam prodisse multos ? quod nisi esset factum, magis mirandum  
 69 videretur. Quid ? si etiam illud addam quod a consuetudine non abhorret, rogatos esse multos, num aut criminis sit aut mirandum, qua in civitate rogati infimorum hominum filios prope de nocte ex ultima saepe urbe deductum venire soleamus, in ea non esse gravatos homines prodire hora tertia in campum Martium, praesertim talis viri nomine rogatos ? Quid si omnes societates venerunt quarum ex numero multi sedent iudices ? Quid si multi homines nostri ordinis honestissimi ? Quid si illa officiosissima quae neminem patitur non honeste in urbem introire tota natio candidatorum, si denique ipse accusator noster Postumus obviam cum bene magna caterva sua venit, quid habet ista multitudo admirationis ? Omitto clientes, vicinos, tribules, exercitum totum Luculli qui ad triumphum per eos dies venerat ; hoc

<sup>a</sup> When a young man went down to the forum for the first time at his formal coming of age (assuming the *toga virilis*), he was escorted by all the friends of his family.

<sup>b</sup> Cicero does not here have in mind specifically the *societates publicanorum*, the corporations for farming the taxes, but trade associations in general.

the request of all the candidates, so that from the senate's resolution it cannot be known who benefits thereby and who is injured. Therefore, prove that bribery was committed by Lucius Murena: then I myself will admit to you that it was illegal.

XXXIII. "Many went out to meet him when he returned from his province." That is usually done in the case of a candidate seeking the consulship; but do not people go to meet anyone returning home? "What was that vast horde?" In the first place, even if I should not be able to explain it, is it surprising that many people should go out to meet such a man on his return, a candidate for the consulship? If this had not happened, it would be more a cause for wonder. Well? Suppose I should add that many <sup>69</sup> were asked to go (a thing not at all unusual), that is cause, is it, for accusation or wonder? In our city where it is a common practice for us, on request, to escort to the forum almost before daylight the sons <sup>a</sup> of men of low estate even from the most distant parts of the city, would men be reluctant to come to the Campus Martius at eight o'clock, if invited in the name of so eminent a man? What if all the corporations <sup>b</sup> did come? Many of the jurors sitting on the case belong to them. What if many men of our honourable order came? What if that whole tribe of dutiful office-seekers came, men who allow no one to enter the city without honour? If finally our friend the prosecutor, Postumus himself came to meet him with quite a large crowd of his own, still what reason for astonishment is there at all that multitude? I do not mention his own clients, neighbours, fellow-tribesmen, the whole army of Lucullus which had come at that time to celebrate

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dico, frequentiam in isto officio gratuitam non modo dignitati nullius umquam sed ne voluntati quidem  
 70 defuisse " At sectabantur multi " Doce mercede ; concedam esse crimen. Hoc quidem remoto quid reprehendis ? XXXIV. " Quid opus est " inquit " sectatoribus ? " A me tu id quaeris, quid opus sit eo quo semper usi sumus ? Homines tenues unum habent in nostrum ordinem aut promerendi aut referendi beneficii locum, hanc in nostris petitionibus operam atque adsectationem. Neque enim fieri potest neque postulandum est a nobis aut ab equitibus Romanis ut suos necessarios candidatos adsectentur totos dies ; a quibus si domus nostra celebratur, si interdum ad forum deducimur, si uno basilicae spatio honestamur, diligenter observari videmur et coli : tenuiorum amicorum et non occupatorum est ista adsiduitas, quorum copia bonis viris et beneficiis deesse  
 71 non solet. Noli igitur eripere hunc inferiori generi hominum fructum officii, Cato ; sine eos qui omnia a nobis sperant habere ipsos quoque aliquid quod nobis tribuere possint. Si nihil erit praeter ipsorum suffragium, tenues, etsi<sup>1</sup> suffragantur, nihil valent gratia. Ipsi denique, ut solent loqui, non dicere pro nobis, non spondere, non vocare domum suam possunt. Atque haec a nobis petunt omnia neque ulla re alia quae a nobis consecuntur nisi opera sua compensari putant posse. Itaque et legi Fabiae quae est de numero sectatorum, et senatus consulto quod est L. Caesare consule factum restiterunt. Nulla est enim poena

<sup>1</sup> *Kasten reads* tenue, si . . . ut *Clark suggests* tenues etsi *the mss. give* tenue est si ut. *I have adopted Clark's suggestion.*

their general's triumph This I do assert—that a throng voluntarily performing this duty was never lacking, when the dignity and even the desire of any man demanded it. "But many followed him" Show 70 that they were paid to do it; I will admit that is a crime. But if that is ruled out, what fault can you find? XXXIV. "What does a man want with attendants?" he asks. Do you ask *me* why he needed what all the rest of us have used? Men of humble means have only one way of deserving and repaying favours from our order—by thus assisting and attending our campaigns for office. For it is not possible, nor can we or the Roman knights demand, that they should attend their friends who are candidates for whole days; if our houses are thronged with them, if sometimes they escort us to the forum, if we are honoured by their company only for the length of a single public hall, we think we have received dutiful and respectful attention. This is the loyalty of friends of rather slender means unoccupied by business. They never fail men who are upright and kind Do not, then, take from the humbler class 71 of men this kind attention of theirs, Cato; let those who depend on us for everything have themselves also something to give us. If they are to have nothing except their suffrage, even if they vote, humble men still have no influence. Finally, as they themselves are wont to say, they cannot plead for us, nor be our sureties, nor invite us to their homes. They ask all these favours from us but they can repay us for the favours they receive from us only by their loyalty. And so they resisted the Fabian law regarding the number allowed in an escort, and the decree of the senate passed in the consulship of Lucius Caesar. For there is no punish-



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72 quae possit observantiam tenuiorum ab hoc vetere instituto officiorum excludere. " At spectacula sunt tributim data et ad prandium vulgo vocati " Etsi hoc factum a Murena omnino, iudices, non est, ab eius amicis autem more et modo factum est, tamen admonitus re ipsa recorder quantum hae conquestiones in senatu habitae punctorum nobis, Servi, detraxerint Quod enim tempus fuit aut nostra aut patrum nostrorum memoria quo haec sive ambitio est sive liberalitas non fuerit ut locus et in circo et in foro daretur amicis et tribulibus ? Haec homines tenuiores praemia commodaque a suis tribulibus vetere instituto adsequebantur . [*Deest non nihil*]

73 XXXV. . . . praefectum fabrum semel locum tribulibus suis dedisse, quid statuent in viros primarios qui in circo totas tabernas tribulium causa compararunt ? Haec omnia sectatorum, spectaculorum, prandiorum item crimina a multitudine in tuam nimiam diligentiam, Servi, coniecta sunt ; in quibus tamen Murena ab senatus auctoritate defenditur. Quid enim ? Senatus num obviam prodire crimen putat ? " Non, sed mercede." Convince. Num sectari multos ? " Non, sed conductos." Doce. Num locum ad spectandum dare aut ad prandium invitare ? " Minime, sed vulgo, passim " Quid est vulgo ? " Universos." Non igitur, si L. Natta, summo loco adulescens, qui et quo animo iam sit et qualis vi

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<sup>a</sup> At an election a list of the candidates was given each voter. He placed a mark (*punctum*) opposite the name of his choice. Hence *punctum* came to mean a vote.

ment which can prevent humble men from observing this anciently established rite. "But grand-stands 72 were erected for whole tribes and crowds were invited to feasts" Although Murena did not do this at all, gentlemen, it was done by his friends as usual and with moderation; still this very thing reminds me. Servius. how many votes<sup>a</sup> we lost by complaints about this made in the senate For when in our own memory or our father's memory was there ever a time when the desire—be it ambition or generosity—did not exist, to provide seats in the circus or at the games for friends and fellow-tribesmen? These things men of humble rank receive from their fellow-tribesmen as rewards and favours by ancient custom.

*(A considerable portion of the speech is lost here)*

XXXV. . . . that the prefect of the craftsmen once 73 gave a place to his fellow-tribesmen, what will they decree against men of the first rank who set up whole shops in the circus for their fellow-tribesmen? The crowd attribute all these accusations about escorts, shows, dinners, to your excessive eagerness, Servius; but Murena is protected against such charges by the authority of the senate. Why? The senate does not think it a crime to meet a returning candidate, does it? "No, unless that service is paid for." Prove that. To be escorted by many? "No, unless they are hired." Show that To provide a place at a show or to give an invitation to dinner? "By no means, except for large crowds and promiscuously." What are "large crowds"? "Why, the whole town." So if Lucius Natta, who is a youth of high station (we see what sort he already is and what he

futurus sit videmus, in equitum centuriis voluit esse et ad hoc officium necessitudinis et ad reliquum tempus gratus, id erit eius vitæ fraudi aut crimini, nec, si virgo Vestalis, huius propinqua et necessaria, locum suum gladiatorum concessit huic, non et illa pie fecit et hic a culpa est remotus. Omnia hæc sunt officia necessariorum, commoda tenuiorum, munia candidatorum

- 74 At enim agit mecum austere et stoice Cato, negat verum esse allici benevolentiam cibo, negat iudicium hominum in magistratibus mandandis corrumpi voluptatibus oportere. Ergo, ad cenam petitionis causa si quis vocat, condemnetur? "Quippe" inquit; "tu mihi summum imperium, summam auctoritatem, tu gubernacula rei publicae petas fovendis hominum sensibus et deleniendis animis et adhibendis voluptatibus? Utrum lenocinium?" inquit "a grege delicatae iuventutis, an orbis terrarum imperium a populo Romano petebas?" Horribilis oratio; sed eam usus, vita, mores, civitas ipsa respuit. Neque tamen Lacedæmonii, auctores istius vitæ atque orationis, qui cotidianis epulis in robore accumbunt, neque vero Cretes quorum nemo gustavit umquam cubans, melius quam Romani homines, qui tempora voluptatis laborisque dispertiunt, res publicas suas retinuerunt; quorum alteri uno adventu nostri exercitus deleti sunt, alteri nostri imperii praesidio disciplinam suam legesque
- 75 conservant. XXXVI Quare noli, Cato, maiorum instituta quæ res ipsa, quæ diuturnitas imperii com-

<sup>a</sup> Spartan talk was proverbially brief—laconic, i.e. Lacedæmonian.

<sup>b</sup> The Cretans were conquered in 68–67 B.C. by Quintus Caecilius Metellus called thereafter Creticus.

will be when he is a grown man, wished to be generous among the centuries of knights, with a view to this duty of friendship and also with a view to the future, this would not be a crime nor a cause of accusation against his stepfather Murena ; and if a Vestal Virgin, his relative and friend, gave him her place at the gladiatorial show, she acted honourably and Murena was free from guilt All these things are the duty of friends, the perquisites of men of little means, the gifts which are expected of candidates.

But it is said Cato argues with me coldly and like a 74 Stoic. He says it is not true that kindly feelings are promoted by food, and that men's judgement in bestowing office should not be debauched by pleasures. Therefore if anyone to further his campaign issues an invitation to dinner he should be condemned ? " Of course," he says ; " would you seek the chief magistracy, the highest authority, the guidance of the state by flattering men's senses, and soothing their feelings, and pandering to their pleasures ? Were you asking, says he, a gang of gilded youths for a job as a pimp, or the Roman people for the rule of the world ? " A terrible utterance ; but experience, life, custom, the state itself reject it. Nevertheless, neither the Spartans, who invented your type of life and talk,<sup>a</sup> who recline at their daily meals on couches of wood, nor even the Cretans, who never reclined at table, preserved their states better than the Romans, who have time both for pleasure and for toil. The latter of these states was overthrown by our army in a single campaign,<sup>b</sup> the other retained their customs and their law under the protection of our government. XXXVI. Therefore do not, Cato, condemn in too 75 bitter terms the customs of our sires which experi-

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probat nimium severa oratione reprehendere. Fuit eodem ex studio vir eruditus apud patres nostros et honestus homo et nobilis, Q. Tubero. Is, cum epulum Q. Maximus P. Africani, patris sui, nomine populo Romano daret, rogatus est a Maximo ut triclinium sterneret, cum esset Tubero eiusdem Africani sororis filius. Atque ille, homo eruditissimus ac Stoicus, stravit pelliculis haedinis lectulos Punicanos et exposuit vasa Samia, quasi vero esset Diogenes Cynicus mortuus et non divini hominis Africani mores honestaretur, quem cum supremo eius die Maximus laudaret, gratias egit dis immortalibus quod ille vir in hac re publica potissimum natus esset; necesse enim fuisse ibi esse terrarum imperium ubi ille esset. Huius in morte celebranda graviter tulit populus  
76 Romanus hanc perversam sapientiam Tiberonis, itaque homo integerrimus, civis optimus, cum esset L. Pauli nepos, P. Africani, ut dixi, sororis filius, his haedinis pelliculis praetura delectus est. Odit populus Romanus privatam luxuriam, publicam magnificentiam diligit; non amat profusas epulas, sordes et inhumanitatem multo minus; distinguit ratione officiorum ac temporum, vicissitudinem laboris ac voluptatis. Nam quod ais nulla re allici hominum mentes oportere ad magistratum mandandum nisi dignitate, hoc tu ipse in quo summa est dignitas non servas. Cur enim quemquam ut studeat tibi, ut te adiuvet rogas? Rogas tu me ut mihi praesis, ut

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\* The arrangements were inappropriate in three ways: goat skins instead of rugs, wooden Punic stools instead of couches, cheap Samian crockery instead of silver plate.

ence and the long life of our government vindicate. There was a man of the same school of philosophy in the time of our fathers, one both learned and noble, Quintus Tubero. When Quintus Maximus was giving a funeral banquet to the Roman people in honour of Publius Africanus, his uncle, Tubero was asked by Maximus to spread the couches, since he was the son of Africanus's own sister. And he, learned man though he was, and a Stoic, used goat-skins to cover his wretched Punic stools, and set out Samian crockery,<sup>a</sup> as if indeed it were Diogenes the Cynic who was dead and not as if they were doing honour at his death to the superman, Africanus. When on the day of Africanus's funeral Maximus was pronouncing the funeral oration, he thanked the immortal gods because this hero had been born in this state rather than elsewhere, for necessarily the seat of the world's government would be where he was. In celebrating Africanus's death the Roman people were disgusted by Tubero's misdirected "wisdom," and so 78 this most honoured of men and best of citizens, though he was the grandson of Lucius Paulus, and the son of Publius Africanus's sister, as I have said, was defeated for the praetorship by these goatskins! The Roman people hate private luxury, they love public magnificence. They do not love elaborate feasts, much less do they love squalor and boorishness. They recognize differences of obligations and occasions, the alternation of toil and pleasure. For in answer to your statement that men's decision in conferring office should be influenced by nothing except dignity, I may say that you yourself do not maintain the highest standard of dignity. Why do you ask anyone to support you, to assist you? You ask my vote that

committam ego me tibi. Quid tandem? Istuc me rogari oportet abs te, an te potius a me ut pro mea  
 77 salute laborem periculumque suscipias? Quid, quod habes nomenclatorem? In eo quidem fallis et decipis. Nam, si nomine appellari abs te civis tuos honestum est, turpe est eos notiores esse servo tuo quam tibi. Sin iam noris, tamenne per monitorem appellandi sunt cum petis, quasi incertus sis?<sup>1</sup> Quid, quod, cum admoneris, tamen, quasi tute noris, ita salutas. Quod, posteaquam es designatus, multo salutas negligentius? Haec omnia ad rationem civitatis, si derigas, recta sunt; sin perpendere ad disciplinae praecepta velis, reperiantur pravissima. Quare nec plebi Romanae eripiendi fructus isti sunt ludorum, gladiatorum, conviviorum, quae omnia maiores nostri comparaverunt, nec candidatis ista benignitas adimenda est quae liberalitatem magis significat quam largitionem.

- 78 XXXVII. At enim te ad accusandum res publica adduxit. Credo, Cato, te isto animo atque ea opinione venisse; sed tu imprudentia laberis. Ego quod facio, iudices, cum amicitiae dignitatisque L. Murenæ gratia facio, tum me pacis, otii, concordiae, libertatis,

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<sup>1</sup> Sin . . . sis] *the text is Clark's reading. The mss are corrupt. They read si non, etiam noris, tamen per monitorem appellandi sunt curam petis quam incervit.*

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<sup>a</sup> A slave whose business it was to prompt his master when he had forgotten a voter's name.

you may be put over me, that I may intrust my interests to you. What then, pray? When it is a question of my safety ought you to ask me to be allowed to undergo toil and danger or should I ask that favour of you? What about your employing a nomenclator? In this surely you are playing a 77 trick and a deception. For if it is honourable for you to call your fellow-citizens by name, it is a disgrace that they should be better known to your slave than to you! But if you know them already, do you for all that, when you are seeking election, have to address them through your prompter as if you were uncertain? What about your greeting them as if you yourself knew them after you have been prompted? What about your greeting them much less cordially after you have been elected? If you test all these acts on the basis of the common practice here in the city, they are correct enough, but if you wish to weigh them in the scale of the tenets of philosophy, they are found utterly vicious. And so the Roman plebs should not be prevented from enjoying games, or gladiatorial contests, or banquets—all these our ancestors established—nor should candidates be restrained from showing that generosity which means liberality rather than bribery.

XXXVII. But, it is said, the interests of the state 78 led you to conduct the prosecution. I suppose, Cato, that you have come with that thought and under that delusion, but your lack of foresight will give you a very bad fall. What I am doing, gentlemen, I am not only doing for the sake of the friendship and reputation of Lucius Murena, but also, as I emphatically declare and call upon you all to bear me witness, for the sake of peace, quiet, harmony, liberty, and



- salutis, vitae denique omnium nostrum causa facere clamo atque testor. Audite, audite consulem, iudices — nihil dicam arrogantius, tantum dicam : totos dies atque noctes de re publica cogitantem <sup>1</sup> Non usque eo L. Catilina rem publicam despexit atque contempsit ut ea copia quam secum eduxit se hanc civitatem oppressum arbitrareretur. Latius patet illius sceleris contagio quam quisquam putat, ad plures pertinet. Intus, intus, inquam, est equus Troianus ; a quo numquam me consule dormientes opprimemini.
- 79 Quaeris a me ecquid ego Catilinam metuam. Nihil, et curavi ne quis metueret, sed copias illius quas hic video dico esse metuendas ; nec tam timendus est nunc exercitus L. Catilinae quam isti qui illum exercitum deseruisse dicuntur. Non enim deseruerunt sed ab illo in speculis atque insidiis relictis in capite atque in cervicibus nostris restiterunt. Hi et integrum consulem et bonum imperatorem et natura et fortuna cum rei publicae salute coniunctum deici de urbis praesidio et de custodia civitatis vestris sententiis deturbari volunt. Quorum ego ferrum et audaciam reieci in campo, debilitavi in foro, compressi etiam domi meae saepe, iudices : his vos si alterum consulem tradideritis, plus multo erunt vestris sententiis quam suis gladius consecuti. Magni interest, iudices, id quod ego multis repugnantibus egi atque perfeci, esse Kalendis Ianuariis in re publica duo consules.
- 80 Nolite arbitrari, mediocribus consiliis aut usitatis viis eos uti <sup>1</sup> Non lex improba, non perniciose largitio, non auditum aliquando aliquid malum rei publicae

<sup>1</sup> eos uti *Clark*. *MSS.* aut.

<sup>a</sup> The well-known stratagem by which the Greeks took Troy. This statement shows, incidentally, that the conspirators were not yet arrested.

finally the life and safety of us all. Listen, gentlemen, listen to a consul—I am not going to use a more arrogant term, but will say only this much—to a consul who spends all his days and nights thinking of the state! Lucius Catiline has not so deeply despised and disdained the state that he thinks he will overthrow it with those forces which he has led out with him. The infection of his crime is spread more widely than anyone thinks, it touches more people. The Trojan Horse<sup>a</sup> is within, within the city, I say. That will never overwhelm you in your sleep while I am consul. You ask me if I fear Catiline at all. Not 79 at all! And I have taken care that no one need fear him. But I say that his forces which I see here are to be feared. And the army of Lucius Catiline is not now to be feared so much as are these men who are said to have deserted that army. For they have not deserted—they have been left behind by him in look-outs and hiding-places, they threaten our heads and throats. Their wish is that by your verdict an upright consul and a good general, devoted by his disposition and social position to the safety of the state, should be thrown out of his task of defending the city and cast out of his duty of guarding the state. If you betray one of the two consuls to these men, whose bold violence I foiled on the Campus Martius, thwarted in the forum, checked often even in my own house, they will have won much more by your verdict than by their swords. I have endeavoured and provided in spite of much opposition that there should be two consuls in the state on January first and that is of great importance, gentlemen. Do not imagine that they are employing 80 ordinary plans or usual methods. It is not a question of an unjust law, or dangerous bribery, or some danger to the state at some time rumoured. Plans have

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quaeritur. Inita sunt in hac civitate consilia, iudices, urbis delendae, civium trucidandorum, nominis Romani exstinguendi. Atque haec cives, cives, inquam, si eos hoc nomine appellari fas est, de patria sua et cogitant et cogitaverunt. Horum ego cotidie consilium occurro, audaciam debilito, scelus resisto. Sed moneo, iudices. In exitu iam est meus consulatus; nolite meum subtrahere vicarium meae diligentiae, nolite adimere eum cui rem publicam cupio tradere incolumem ab his tantis periculis defendendam.

- 81 XXXVIII. Atque ad haec mala, iudices, quid accedat aliud non videtis? Te, te appello, Cato; nonne prospicis tempestatem anni tui? Iam enim hesternae contione intonuit vox perniciose designati tribuni, collegae tui; contra quem multum tua mens, multum omnes boni providerunt qui te ad tribunatus petitionem vocaverunt. Omnia quae per hoc triennium agitata sunt, iam ab eo tempore quo a L. Catilina et Cn. Pisone initum consilium senatus interficiendi scitis esse, in hos dies, in hos menses, in hoc tempus
- 82 erumpunt. Qui locus est, iudices, quod tempus, qui dies, quae nox cum ego non ex istorum insidiis ac mucronibus non solum meo sed multo etiam magis divino consilio eripiar atque evolem? Neque isti me meo nomine interfici sed vigilantem consulem de rei publicae praesidio demoveri volunt. Nec minus vellet, Cato, te quoque aliqua ratione, si possent, tollere; id quod, mihi crede, et agunt et moliantur. Vident

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<sup>a</sup> His year as tribune.

been conceived in this state, gentlemen, for destroying the city, slaughtering the citizens, obliterating the name of Rome And Romans, Roman citizens, I say, if it is right to call them by that name, are both planning and have planned these deeds against their own country. Their plans I daily oppose, their boldness cripple, then crime resist But I warn you, gentlemen. My consulship is coming to an end; do not disqualify the man who is to continue my watchful care, do not reject him to whom I desire to surrender the state unharmed to be protected from these awful dangers

XXXVIII. And do you not see, gentlemen, what 81 further disaster will be added to these misfortunes? It is you, you that I address, Cato Do you not foresee a storm for your year of office? For already in yesterday's assembly there thundered the dangerous voice of the tribune-elect, your colleague. Your judgement has done much to thwart him, and so have all the honourable men who invited you to stand for the tribunate. All these plots which have been brewing for these three years, even from the time when, as you know, the design to massacre the senate was conceived by Lucius Catiline and Gnaeus Piso, are maturing suddenly in these days, these months, this present hour What place is there, gentlemen, 82 what time, what day, what night, when I am not rescued and delivered from the ambushade and daggers of these wretches, by my own wisdom, yes, but much more by the wisdom of the gods? And these men do not wish to kill me as a man but to remove a watchful consul from his care of the state. And they would be just as eager in some way to remove you, Cato, if they could—the very thing which, believe me, they are devising and planning. They see how much

quantum in te sit animi, quantum ingenii, quantum auctoritatis, quantum rei publicae praesidium ; sed, cum consulari auctoritate et auxilio spoliata vim tribuniciam videant, tum se facilius inermem et debilitatum te oppressuros arbitrantur. Nam ne sufficiatur consul non timent. Vident in tuorum potestate collegarum fore, sperant sibi D.<sup>1</sup> Silanum, clarum virum, sine collega, te sine consule, rem publicam sine praesidio  
 83 obici posse. His tantis in rebus tantisque in periculis est tuum, M. Cato, qui mihi non tibi, sed patriae natus esse videris,<sup>2</sup> videre quid agatur, retinere adiutorem, defensorem, socium in re publica, consulem non cupidum, consulem,—quod maxime tempus hoc postulat,—fortuna constitutum ad amplexandum otium, scientia ad bellum gerendum, animo et usu ad quod velis negotium sustinendum.<sup>3</sup>

XXXIX. Quamquam huiusce rei potestas omnis in vobis sita est, iudices ; totam rem publicam vos in hac causa tenetis, vos gubernatis. Si L. Catilina cum suo consilio nefariorum hominum quos secum eduxit hac de re posset iudicare, condemnaret L. Murenam, si interficere posset, occideret. Petunt enim rationes illius ut orbetur auxilio res publica, ut minuatur contra suum furorem imperatorum copia, ut maior facultas tribunis plebis detur depulso adversario seditionis ac discordiae concitandae. Idemne igitur delecti ex amplissimis ordinibus honestissimi atque sapientissimi viri iudicabunt quod ille importunissimus gladiator,

<sup>1</sup> D. supplied by Hirschfelder, omitted by MSS.

<sup>2</sup> videris added by Klotz, omitted by MSS.

<sup>3</sup> sustinendum added by Völkel, omitted by MSS.

<sup>a</sup> i.e. in Murena's place.

<sup>b</sup> Silanus and Murena had been elected.

courage you have, how much resource, how much influence, how much ability to protect the state, but when they see the power of the tribune deprived of the consul's influence and assistance, then they think that they will more easily overwhelm you thus disarmed and weakened. They do not fear that another consul may be substituted <sup>a</sup> They see that this will lie in the power of your colleagues, they hope that that excellent man, Decimus Silanus, <sup>b</sup> can be put at their mercy without a colleague, you without a consul, the state without a guard. In such circumstances <sup>83</sup> and in such a critical time it is your duty, Marcus Cato—for it seems to me you were born to serve not yourself but the state—to understand what is going on, to retain as your helper, defender, ally, in the service of the state, a consul not self-seeking, a consul—as this time most especially demands—suited by his position to embrace peace, by his training to carry on war, by his ability and experience to undertake any conceivable activity.

XXXIX. And yet the whole decision in this matter lies with you, gentlemen; it is you who are controlling and directing the whole state in this case. If Lucius Catiline with his band of criminals whom he has led out with him could decide this case, he would condemn Lucius Murena; if he could, he would kill him. His interests demand that the state be deprived of assistance, that the number of commanders opposed to his mad career be diminished, that great power be given to the tribunes of the people by deposing the man who may check the rising tide of sedition and turmoil. Shall, then, the verdict of the most honourable and the wisest men, chosen from the highest ranks, be the same as that of the most blood-

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84 hostis rei publicae iudicaret ? Mihi credite, iudices, in hac causa non solum de L. Murenæ verum etiam de vestra salute sententiam feretis. In discrimen extremum venimus, nihil est iam unde nos reficiamus aut ubi lapsi resistamus. Non solum minuenda non sunt auxilia quæ habemus sed etiam nova, si fieri possit, comparanda. Hostis est enim non apud Amienem, quod bello Punico gravissimum visum est, sed in urbe, in foro—di immortales ! sine gemitu hoc dici non potest—; non nemo etiam in illo sacrario rei publicæ, in ipsa, inquam, curia non nemo hostis est. Di faxint ut meus collega, vir fortissimus, hoc Catilinæ nefarium latrocinium armatus opprimat ! Ego togatus vobis bonisque omnibus adiutoribus hoc quod conceptum res publica periculum parturit con-

85 silio discutiam et comprimam. Sed quid tandem fiet, si hæc elapsa de manibus nostris in eum annum qui consequitur redundarint ? Unus erit consul, et is non in administrando bello sed in sufficiendo collega occupatus. Hunc iam qui impedituri sint . . .<sup>1</sup> illa pestis immanis importuna Catilinæ prorumpet, qua po. . . minatur; in agros suburbanos repente advolabit; versabitur in rostris furor, in curia timor, in foro coniuratio, in campo exercitus, in agris vastitas; omni autem in sede ac loco ferrum flammamque metuemus. Quæ iam diu comparantur, eadem ista

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<sup>1</sup> *A lacuna occurs here. The second line below is also defective in the MSS.*

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<sup>a</sup> *A lacuna occurs here in the manuscript.*

thrusty gladiator, the enemy of the state? Believe 84  
me, gentlemen, in this case you will vote, not only on  
the life of Lucius Murena, but also on your own. We  
have come to the ultimate limit. There are no re-  
sources from which we may renew our strength, or  
assist ourselves to rise again, when once we have  
fallen. We must not weaken the forces we have, but,  
if it can be done, new ones must be procured. For  
the enemy is not at the Anio—which seemed the  
most hopeless moment in the Punic War—but in the  
city, in the forum—O immortal Gods, this cannot be  
uttered without a groan! For an enemy is in that  
shrine of the state, in the very senate-house, I say  
May the gods grant that my colleague, that man  
of tried courage, may crush this foul brigandage of  
Catiline with his army. I, in the garb of a citizen,  
with the assistance of you and all honourable men, by  
my foresight will dismember and crush this hideous  
thing which the state has conceived and is now bring-  
ing to birth. But what, pray, will happen if these 85  
plots, eluding our grasp, shall come flooding in again  
in the following year? There will be but one consul,  
and he will be busy, not in ordering the war but in  
substituting a colleague . . . already who will be  
hampering him. . . .<sup>a</sup> That monstrous insatiable  
curse of Catiline will burst out anew,<sup>b</sup> it will spread  
rapidly over the territory about the city; madness  
will stalk on the speakers' platform, terror in the  
senate-house, conspiracy in the forum, an army in  
the Campus Martius, desolation in the country, in  
every dwelling and in every place we shall fear sword  
and fire. But all these disasters, long in preparation,

<sup>b</sup> In translating the next sentence the incomplete phrase  
"qua po. . . minatur" is omitted.



omnia, si ornata suis praesidiis erit res publica, facile et magistratuum consiliis et privatorum diligentia conprimuntur.

- 86 XL. Quae cum ita sint, iudices, primum rei publicae causa, qua nulla res cuiquam potior debet esse, vos pro mea summa et vobis cognita in re publica diligentia moneo, pro auctoritate consulari hortor, pro magnitudine periculi obtestor, ut otio, ut paci, ut salutis, ut<sup>2</sup> vitae vestrae et ceterorum civium consulatis; deinde ego idem vos defensoris et amici officio adductus oro atque obsecro, iudices, ut ne hominis miseri et cum corporis morbo tum animi dolore confecti, L. Murenæ, recentem gratulationem nova lamentatione obruatis. Modo maximo beneficio populi Romani ornatus fortunatus videbatur, quod primus in familiam veterem, primus in municipium antiquissimum consulatum attulisset; nunc idem in<sup>1</sup> squalore et sordibus, confectus morbo, lacrimis ac maerore perditus vester est supplex, iudices, vestram fidem obtestatur, vestram<sup>3</sup> misericordiam implorat,
- 87 vestram potestatem ac vestras opes intuetur. Nolite, per deos immortales! iudices, hac eum cum<sup>3</sup> re qua se honestiorem fore putavit etiam ceteris ante partis honestatibus atque omni dignitate fortunaque privare. Atque ita vos L. Murena, iudices, orat atque obsecrat, si iniuste neminem laesit, si nullius auris voluntatemve violavit, si nemini, ut levissime dicam, odio nec domi nec militiae fuit, sit apud vos modestiae locus, sit

<sup>1</sup> in supplied by Clark

<sup>2</sup> vestiam supplied by Halm.

<sup>3</sup> With one exception the mss. read hac cum. *Excerpts in* Laur. liv. 5 give hac eum. *The reading in the text is due to Garatoni.*

if only the state shall have the protection of its own guards, will be easily averted by the wisdom of the magistrates and the watchful care of private citizens.

XL. Since these things are so, gentlemen, first for 86 the sake of the state—and nothing should have greater weight with anyone than that—by my own great and well-known devotion to my country I warn you, by my authority as consul I exhort you, by the awfulness of the danger I adjure you to take counsel for peace and quiet, for your safety, and for your lives and the lives of the other citizens ; and again, influenced by my duty as my client's advocate and friend, I beg and beseech you, gentlemen, not to bury beneath a fresh load of grief the new-born happiness of that unfortunate man, Lucius Murena, outworn as he is with both physical and mental anguish. Only yesterday he seemed fortunate, crowned with the highest reward in the gift of the Roman people, because he first had brought the consulship to an old family, and to a very ancient local town.<sup>a</sup> Now this same man in mourning and in sorrow, smitten by disease, torn by tears and grief, is your suppliant, gentlemen, he calls upon your honour, he implores your mercy, he looks to your power and your protection. Do not, gentlemen. I beg you 87 by the immortal gods, take from him this honour, which he thought would bring him greater esteem, and with it his other distinctions formerly won, and all his rank and fortune. And so Lucius Murena begs and beseeches you, gentlemen, if he has unjustly injured no one, if he has harmed the sensible and the wishes of no one, if he has been a cause of hatred—to put it very mildly—to no one at home or abroad, that there may be with you an opportunity for dis-

<sup>a</sup> Lanuvium. •

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demissis hominibus perfugium, sit auxilium pudori. Misericordiam spoliatio consulatus magnam habere debet, iudices; una enim eripiuntur cum consulatu omnia; invidiam vero his temporibus habere consulatus ipse nullam potest; obicitur enim contionibus seditiosorum, insidus coniuratorum, telus Catilinae, ad omne denique periculum atque ad omnem iniuriam

88 solus opponitur. Quare quid invidendum Murenæ aut cuiquam nostrum sit in hoc praeclaro consulatu non video, iudices; quæ vero miserranda sunt, ea et mihi ante oculos versantur et vos videre et perspicere potestis. XLI Si,—quod Iuppiter omen aveit!—hunc vestris sententis adfixeritis, quo se miser vertet? domumne? ut eam imaginem clarissimi viri, parentis sui, quam paucis ante diebus laureatam in sua gratulatione conspexit, eandem deformatam ignominia lugentemque videat? An ad matrem quæ misera modo consulem osculata filium suum nunc cruciatur et sollicita est ne eundem paulo post spoliatum omni

89 dignitate conspiciat? Sed quid eius matrem aut domum appello quem nova poena legis et domo et parente et omnium suorum consuetudine conspectuque privat? Ibit igitur in exilium miser? Quo? ad orientisne partis in quibus annos multos legatus fuit,<sup>1</sup> exercitus duxit, res maximas gessit? At habet magnum dolorem, unde cum honore decesseris, eodem cum ignominia reverti. An se in contrariam partem terrarum abdet, ut Gallia Transalpina, quem nuper summo cum imperio libentissime vident,

<sup>1</sup> *after fuit Kasten reads et.*

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<sup>a</sup> The *imago* was strictly a mask. In noble houses masks of distinguished members were preserved, decorated with wreaths on the occasions of family triumphs and elections and carried forth in funeral processions.

creet action, a refuge for the distressed, a protection for honour. It is a great pity, gentlemen, to lose the consulship, for with the consulship all is lost; but no one can envy the consulship for itself at a time like this. when it stands alone exposed to disloyal crowds, to the plots of conspirators, to the shafts of Catiline, to every danger and to every insult. Therefore, how anyone could envy Murena<sup>88</sup> or any of us for attaining this glorious consulship, I do not see, gentlemen; but the things that deserve pity are before my eyes and you too can see and perceive them. XLI. If you condemn him by your votes (may Jupiter avert the omen), whither shall the poor man turn? to his home? that he may see the bust<sup>a</sup> of that very famous man, his father, which a few days ago he beheld crowned with laurel in his honour, now stripped and humbled by his disgrace? or to his mother, who, poor lady, has just kissed her son the consul, and is now tortured with anxiety lest she may see this same son a little later despoiled of all his honour? But why do I<sup>89</sup> speak of his mother and his home, when the new penalty<sup>b</sup> of the law deprives him of his home, his parent and the society and sight of all his friends? Will the poor man, then, go into exile? Where? To the Orient, where for many years he was staff officer, led armies, did great deeds? But it is a great humiliation to return in disgrace to a place you quitted with honour. Or shall he bury himself at the other end of the world, that Transalpine Gaul may see in a sorrowing, grieving exile the same man she joy-

<sup>b</sup> The additional penalty of exile had been added to the other penalties for bribery by the law passed at the instance of Servius Sulpicius. Cf. sect. 46 and note.

eundem lugentem, maerentem, exsulem videat? In ea porro provincia quo animo C Murenam fratrem suum aspiciet? Qui huius dolor, qui illius maeror erit, quae utriusque lamentatio, quanta autem perturbatio fortunae atque seimonis, cum, quibus in locis paucis ante diebus factum esse consulem Murenam nuntii litteraeque celebrassent et unde hospites atque amici gratulatum Romam concurrerent, re-  
 90 pente exstiterit ipse nuntius suae calamitatis! Quae si acerba, si misera, si luctuosa sunt, si alienissima a mansuetudine et misericordia vestra, iudices, conservate populi Romani beneficium, reddite rei publicae consulem, date hoc ipsius pudori, date patri mortuo, date generi et familiae, date etiam Lanuvio, municipio honestissimo, quod in hac tota causa frequens maestumque vidistis. Nolite a sacius patriis Iunonis Sospitae, cui omnes consules facere necesse est, domesticum et suum consulem potissimum avel-  
 lere. Quem ego vobis, si quid habet aut momenti commendatio aut auctoritatis confirmatio mea, consul consulem, iudices, ita commendo ut<sup>1</sup> cupidissimum otii, studiosissimum bonorum, acerrimum contra seditionem, fortissimum in bello, inimicissimum huic coniurationi quae nunc rem publicam labefactat futurum esse promittam et spondeam.

<sup>1</sup> ut added by the corrector of Laur. 2c.

ously beheld but now, clothed with supreme authority ? In that province, too, with what feelings will he look upon his brother, Gaius Murena ? What grief will Gaius feel, what sorrow Lucius, what mourning will be theirs, how changed their fortune and then talk when, in the very place where a few days before messengers and letters had spread the news that Murena had been elected consul, whence guests and friends had hurried off to Rome to congratulate him, in that very place he shall himself appear to announce his own disaster ? If these things are cruel, if they are wretched and grievous, if they are most foreign to your kindness and mercy, gentlemen, confirm the favour shown by the Roman people, restore a consul to the state, grant this reward to his uprightness, grant it to his dead father, grant it to his clan and his family, grant it also to Lanuvium, a most honoured local town which sorrowing crowds have represented here, as you have seen, all through this case. Above all, do not drag this consul, her fellow-townsmen and her very own, from the ancestral shrine of Juno the Deliverer <sup>a</sup> at which all consuls must make sacrifice. I, a consul, so commend him as consul to you, if my endorsement has any weight or my recommendation any influence, that I guarantee and promise to you that he will be most eager for peace, most considerate of honest men, most active against rebellion, most brave in war, an implacable enemy to this conspiracy which now is undermining the state.

<sup>a</sup> A shrine of *Juno Nospita* was at Lanuvium, Murena's own town

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THE SPEECH FOR PUBLIUS  
CORNELIUS SULLA





## INTRODUCTION

THE candidates for the consulship for the year 65 were Publius Autronius Paetus, Publius Cornelius Sulla, Titus Manlius Torquatus, Lucius Aurelius Cotta, and Lucius Sergius Catiline. Autronius and Sulla were elected, but like most successful candidates they were at once accused of obtaining their election by bribery. Sulla was prosecuted by Torquatus, a son of the candidate, and Autronius by Cotta, himself one of the defeated candidates. The only unusual phase of the proceeding was the conviction of Sulla and Autronius. The elder Torquatus and Cotta became consuls for 65 and Autronius at once conspired with Catiline to kill them. Whether or not Sulla joined this abortive "first conspiracy of Catiline" is not clear.<sup>a</sup>

Sulla left Rome, as he was bound to do after his conviction, and took up his residence near Naples.<sup>b</sup> As a *patronus* of Pompeii he became involved in the discords of that provincial town,<sup>c</sup> and he aroused suspicion by equipping a band of gladiators which he sold to his relative, Faustus Sulla, a son of Sulla the Dictator.<sup>d</sup>

<sup>a</sup> *Pro Sulla*, 11, 12, 67, 74; <sup>\*</sup> *Livy*, *Per.* 101.

<sup>b</sup> Sect. 53.

<sup>c</sup> Sect. 60.

<sup>d</sup> The Sulla defended in this speech was probably a nephew of the Dictator. Cicero calls him *propinquus*.

## INTRODUCTION

After the death of Catiline and the execution of the chief conspirators, several other members of the band were tried and convicted. Among them were two nephews of the Dictator Sulla, Servius and Publius,<sup>a</sup> Marcus Portius Laeca, and Autimius. Cicero himself testified against them.<sup>b</sup>

Publius Cornelius Sulla<sup>c</sup> was accused of conspiring with Catiline by Torquatus—the same man who had secured his conviction for bribery in the elections for 65. The trial took place in the summer of 62.<sup>d</sup> Cicero and Hortensius defended him and secured his acquittal.

Sulla was indicted under the *lex Plautia de vi*. The provisions of this law are not too well understood, but it is clear from Cicero's statements<sup>e</sup> that it gave the selection of the jury pretty largely into the hands of the prosecutor. This handicap too Cicero successfully overcame.

Cicero was apparently led to defend Sulla by his desire to have the backing of Sulla's many influential friends,<sup>f</sup> in the struggle with Clodius which he already saw approaching. He had also borrowed from Sulla 2,000,000 sesterces with which to buy a house on the Palatine,<sup>g</sup> and this may have added to his desire to see this innocent man delivered from persecution.

<sup>a</sup> Sect. 6.

<sup>b</sup> Sects 10, 21, 48, 83.

<sup>c</sup> Not to be confused with the Publius Sulla mentioned in the preceding paragraph.

<sup>d</sup> Messalla consul for 61 had not yet been elected, Sects. 20, 13.

<sup>e</sup> Sect. 92 ff.

<sup>f</sup> Sect. 5.

<sup>g</sup> Gellius, xii. 12. 2.

## MANUSCRIPTS

THE best manuscript of the *Pro Sulla* is the Codex Tegernseensis, 18787, 11th century. Others to be mentioned are Codex Erfurtensis, 252, 12-13th centuries, containing only Sections 81-93, and Codex Palatinus 1525, written in A.D. 1467, containing only Sections 1-43.

## EDITIONS

Text: Kasten, Leipzig, 1933, Clark, Oxford, 1910.

Text with commentary (all the orations) in German Klotz (1832, etc.); in English, G. Long (1851-58).

Text with commentary on the *Pro Sulla*, Richter-Landgraf (Leipzig, 1885); Johnston (Chicago, 1891); Reid (Cambridge, 1903).

## PRO P. SULLA ORATIO

- 1 I. Maxime vellem, iudices, ut P. Sulla et antea dignitatis suae splendorem obtinere et post calamitatem acceptam modestiae fructum aliquem percipere potuisset. Sed quoniam ita tulit casus infestus ut et amplissimo honore cum communi ambitionis invidia tum singulari Autroni odio everteretur, et in his pristinae fortunae reliquiis miseris et adflictis tamen haberet quosdam quorum animos ne supplicio quidem suo satiare posset, quamquam ex huius incommodis magnam animo molestiam capio, tamen in ceteris malis facile patior oblatum mihi tempus esse in quo boni viri lenitatem meam misericordiamque, notam quondam omnibus, nunc quasi intermissam agnoscerent, improbi ac perditii cives redempti atque victi praecipitante re publica vehementem me fuisse atque fortem, conservata mitem ac misericordem faterentur.
- 2 Et quoniam L. Torquatus, meus familiaris ac necessarius, iudices, existimavit, si nostram in accusatione sua necessitudinem familiaritatemque violasset, aliquid se de auctoritate meae defensionis posse detrudere, cum huius periculi propulsatione coniungam

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<sup>a</sup> The office of consul to which he was elected and of which he was deprived on a charge of bribery.

<sup>b</sup> His colleague in the consulship—also convicted of bribery and disqualified.



## THE SPEECH IN DEFENCE OF PUBLIUS CORNELIUS SULLA

I. I COULD earnestly have wished, gentlemen, that Publius Sulla might earlier have attained the glory of his office,<sup>a</sup> and after his disaster might have received some reward for his modest behaviour. An unkind fortune, however, has ruled that he should be ejected from the highest office, not only by the jealousy inseparable from a political career, but also by the unique hatred inspired by Autromus<sup>b</sup>; and that in these pitiful and humbled remnants of his earlier fortune, he should still have some enemies whose animosity cannot be sated even by his punishment. Although I am deeply grieved by his calamities, still, in the midst of my other troubles I am grateful that an opportunity was given me to prove to upright men my gentleness and mercy (well known to all but lately interrupted) and to force disloyal and dishonest citizens, reduced again to order and beaten, to admit that I have been severe and courageous while the state was in danger, but mild and merciful now that it is saved. And since Lucius Torquatus, my familiar<sup>2</sup> and intimate friend, gentlemen, has thought that by violating our intimacy and friendship in his prosecution he could somewhat lessen the prestige of my defence, I shall, by defeating the prosecution of this man at the same time defend my own conduct in serv-

defensionem officii mei Quo quidem genere orationis non uterer, iudices, hoc tempore, si mea solum interesset; multis enim mihi locis et data facultas est et saepe dabitur de mea laude dicendi, sed, ut ille vidit, quantum de mea auctoritate deripisset, tantum se de huius praesidis deminuturum, sic hoc ego sentio, si mei facti rationem vobis constantiisque huius officii ac defensionis probaro, causam quoque me P. Sullae probaturum.

- 3 Ac primum abs te illud, L. Torquate, quaero, cur me a ceteris clarissimis viris ac principibus civitatis in hoc officio atque in defensionis iure secernas Quid enim est quam ob rem abs te Q. Hortensi factum, clarissimi viri atque ornatissimi, non reprehendatur, reprehendatur meum? Nam, si est initum a P. Sulla consilium inflammandae urbis huius, extinguendi imperii, delendae civitatis, mihi ne maiorem hae res dolorem quam Q. Hortensio, mihi maius odium adferre debent, meum denique gravius esse iudicium, qui adiuvandus in his causis, qui oppugnandus, qui defendendus, qui deserendus esse videatur? "Ita," inquit; "tu enim investigasti, tu patefecisti coniurationem." II. Quod cum dicit, non attendit eum qui patefecerit hoc curasse, ut id omnes viderent quod antea fuisset occultum. Quare ista coniuratio, si patefacta per me est, tam patet Hortensio quam mihi. Quem cum videas hoc honore, auctoritate, virtute, consilio praeditum non dubitasse quin innocentiam P. Sullae defenderet, quaero cur qui aditus

ing his interests. I would not, indeed, use this type of speech at this time, gentlemen, if my interests alone were concerned ; for many occasions have been given and often will be given me to speak my own praises, but, as he sees, whatever he takes from my prestige will by just so much weaken the defences of my client, so I think if I shall prove to you the reasonableness of my action and my consistency in undertaking this service and this defence, I shall also win approval for the case of Publius Sulla.

Now, first, I ask of you this, Lucius Torquatus, why 3 should you distinguish between me and the other notable men and important citizens in connexion with my service in defending this case ? Why is it that the action of a most distinguished and honoured man, like Quintus Hortensius, is not condemned by you but my action is ? For, if Publius Sulla planned to burn this city, to extinguish the government, to destroy the state, ought not these things to bring greater grief and more indignation to me than to Quintus Hortensius ? And further, ought I not to be the more severe judge in deciding who, in these matters, should deserve assistance, who should be opposed, who should be defended, who should be abandoned ? “ Yes,” he says, “ for you conducted the investigation, you laid bare the conspiracy.” II. When 4 he says this he does not observe that he who disclosed it took care that all should see that which formerly had been concealed. So this conspiracy, although I disclosed it, is now as well known to Hortensius as to me. When you see that Hortensius, so distinguished for honour and influence, for virtue and prudence, did not hesitate to defend the innocence of Publius Sulla, I ask why Hortensius



ad causam Hortensio patuerit mihi interclusus esse debuerit; quaero illud etiam, si me, qui defendo, reprehendendum putas esse, quid tandem de his existimes summis viris et clarissimis civibus, quorum studio et dignitate celebrari hoc iudicium, ornari causam, defendi huius innocentiam vides. Non enim est una ratio defensionis, ea quae posita est in oratione; omnes qui adsunt, qui laborant, qui saluum volunt, pro sua parte atque auctoritate defendunt.

- 5 An vero in quibus subselliis haec ornamenta ac lumina rei publicae viderem in his me apparere nollem, quorum ego exemplo<sup>1</sup> illum in locum atque in hanc excelsissimam sedem dignitatis et honoris multis meis ac magnis laboribus et periculis ascendissem? Atque ut intellegas, Torquate, quem accuses, si te forte id offendit quod ego, qui in hoc genere quaestionis defenderim neminem, non desim P. Sullae, recordare de ceteris quos adesse huic vides; intelleges et de hoc et de aliis iudicium meum et horum par atque  
6 unum fuisse. Quis nostrum adfuit Vargunteio? Nemo, ne hic quidem Q. Hortensius, praesertim qui illum solus antea de ambitu defendisset. Non enim iam se ullo officio cum illo coniunctum arbitrabatur, cum ille tanto scelere commisso omnium officiorum societatem diremisset. Quis nostrum Serv. Sullam, quis Publium, quis M. Laecam, quis C. Cornelium

<sup>1</sup> exemplo, omitted by the mss., the suggestion of Klotz and Kasten.

<sup>a</sup> "The lights and luminaries" were the ex-consuls who attended the trial in large numbers and who all supported Sulla. They were seated on benches reserved for distinguished hearers.

<sup>b</sup> i.e. a trial of one accused of participating in the Catiline conspiracy

<sup>c</sup> i.e. the others suspected of complicity with Catiline.

should be allowed to act for the defence in this case, while I should be demed ; I ask this, too, if you think that I who am conducting the defence am culpable, what, pray, would you think of these noble men and famous citizens whom you see crowding this court, making the case famous, and defending the innocence of this man by their ardour and their influence ? For a speech is not the only method of defence ; all who attend, who are anxious, who want the defendant acquitted, are defending him so far as then participation and influence go. Should I be 5 unwilling to appear on those benches, on which I see the leading lights and luminaries of the state <sup>a</sup> ? It is their example I have followed, in attaining by much hard work and at great risk that position and that lofty pinnacle of dignity and honour And that you may know, Torquatus, whom you are accusing (if, perchance, it annoys you that I am defending Publius Sulla while I have acted in the defence of no one else in a trial of this kind <sup>b</sup>), think of the others who are supporting him, and then you will understand that my judgement and theirs agree exactly, both about him and about the others.<sup>c</sup> Who of us defended 6 Vargunteius ? No one, not even Quintus Hortensius here, though he alone defended him before on the charge of bribery. For he did not think that he was joined by any further tie to that man, who by committing so heinous a crime had broken the bonds of all obligations Who of us thought that Servius Sulla deserved to be defended, or Publius Sulla,<sup>d</sup> or Marcus Laeca, or Gaius Cornelius ? Who of these

<sup>a</sup> Not to be confused with the Publius Sulla of this trial. He was perhaps his cousin. The exact relationship is unknown.

defendendum putavit, quis us horum adfuit ? Nemo. Quid ita ? Quia in ceteris causis etiam nocentes viri boni, si necessarii sunt, deserendos esse non putant ; in hoc crimine non solum levitatis est culpa verum etiam quaedam contagio sceleris, si defendas eum quem obstructum esse patriae parricidio suspicere

7 Quid ? Aut nemo nonne sodales, non collegae sui, non veteres amici quorum ille copia quondam abundarat, non hi omnes qui sunt in re publica principes defuerunt ? Immo etiam testimonio plerique laeserunt. Statuerant tantum illud esse maleficium quod non modo non occultari per se sed etiam aperiri illustrarique deberet. III Quam ob rem quid est quod mirere, si cum isdem me in hac causa vides adesse cum quibus in ceteris intellegis afuisse ? Nisi vero me unum vis ferum praeter ceteros, me asperum, me inhumanum existimari, me singulari immanitate et

8 crudelitate praeditum. Hanc mihi si tu propter meas res gestas imponis in omni vita mea, Torquate, personam, vehementer erras. Me natura misericordem, patria severum, crudelem nec patria nec natura esse voluit ; denique istam ipsam personam vehementem et acrem quam mihi tum tempus et res publica imposuit iam voluntas et natura ipsa detraxit. Illa enim ad breve tempus severitatem postulavit, haec in omni vita misericordiam lenitatemque desi-

9 derat. Quare nihil est quod ex tanto comitatu virorum amplissimorum me unum abstrahas ; simplex officium atque una est bonorum omnium causa.

men defended them? No one. Why is this? Because in ordinary cases decent men do not think they should fail their friends even if they are guilty, but in this accusation there is involved not only the charge of unscrupulousness but a taint of crime, if he defends a man whom he suspects of being implicated in treason. Next, in the case of Autronius did not his comrades, 7 his colleagues, his old friends—and he once had a great number of them—did not all those who held high rank in the state, desert him? Nay, most even gave evidence against him. They had made up their minds that this crime was so terrible that it was their duty not to hide it but to disclose it and bring it to the light. III. What reason for surprise, then, is there if you see that in this case I am offering my support, along with those same men with whom, as you know, I associated myself in denying my assistance in the other cases? Unless, indeed, you wish me to be thought more harsh, bitter, pitiless, than the others, possessed of unparalleled fierceness and cruelty. If 8 this is the character you would impose upon my whole life, Torquatus, on account of what I have done, you are entirely wrong. Nature wished me to be merciful, my country wished me to be firm; neither my country nor nature wished me to be cruel. Further, my own inclination and nature herself have taken from me that stern and harsh character which the exigencies of the time and the state forced on me. My country demanded sternness for a short time: my nature all through my life longs for mercy and gentleness. Therefore, there is no reason why 9 you should except me alone from this great company of distinguished men. Duty is the same for all, and all honourable men have but one cause. There

- Nihil erit quod admnere posthac, si in ea parte in qua hos animum adverteis me videbis. Nulla est enim in re publica mea causa propria; tempus agendi fuit magis mihi proprium quam ceteris, doloris vero et timoris et periculi fuit illa causa communis; neque enim ego tunc princeps ad salutem esse potuissem, si esse alii comites noluissent. Quare necesse est, quod mihi consuli praecipuum fuit praeter alios, id iam privato cum ceteris esse commune. Neque ego hoc patiendae invidiae, sed communicandae laudis causa loquor, oneris mei partem nemini impertio, gloriae bonis omnibus. “In Autronium testimonium dixisti,” inquit; “Sullam defendis.” Hoc totum eius modi est, iudices, ut, si ego sum inconstans ac levis, nec testimonio fidem tribui convenerit nec defensionis auctoritatem; sin est in me ratio rei publicae, religio privati officii, studium retinendae voluntatis bonorum, nihil minus accusator debet dicere quam a me defendi Sullam, testimonio laesum esse Autronium. Videor enim iam non solum studium ad defendendas causas verum etiam opinionis aliquid et auctoritatis adferre; qua ego et moderate utar, iudices, et omnino non uterer, si ille me non coégisset.
- 11 IV. Duae coniurationes abs te, Torquate, constituuntur, una quae Lepido et Volcacio consulibus patre tuo consule designato facta esse dicitur, altera quae me consule; harum in utraque Sullam dicis fuisse. Patris tui, fortissimi viri atque optimi consulis, scis me

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<sup>a</sup> In 66. The first conspiracy of Catiline. See introduction to Catiline orations.

<sup>b</sup> In 63.

will be no reason to wonder hereafter if you shall see me on the same side where you have found them. There is no political interest which is exclusively mine, the duty to act was mine rather than theirs, but sorrow, terror, and danger were the common lot of all; nor could I then have been the guide to safety if the others had refused to be my comrades. Therefore necessarily the function which belonged especially to me when I was consul more than to some others, this, now that I am a private citizen, I share equally with all. And I say this, not for the sake of dividing the odium, but of sharing the praise. A part of my burden I give to no one, a part of my glory to all honourable men. "You have given evidence 10  
 • against Autronius," he says, "you are defending Sulla." It all amounts to this, gentlemen, that if I am inconsistent and unstable, it is fitting to give neither credence to my evidence, nor weight to my defence; but if I possess regard for the public interests, respect for private obligations, an eager desire to retain the goodwill of honest men, my accuser should say anything rather than that I am defending Sulla but have injured Autronius by my evidence. For I think that now I bring to the defence not only enthusiasm but also some reputation and prestige—this I shall use in moderation, gentlemen, and I would not use it at all, if Torquatus had not forced me to do so.

IV. You assert that there were two conspiracies, 11  
 Torquatus; one is said to have been formed when Lepidus and Volcarius were consuls<sup>a</sup> and your father consul-elect, the second during my consulship<sup>b</sup>. You say Sulla took part in both. You know that I was not in the confidence of that brave man and

consilium non interfuisse ; scis me, cum mihi summus tecum usus esset, tamen illorum expertem temporum et sermonum fuisse, credo quod nondum penitus in re publica versabar, quod nondum ad propositum mihi finem honoris perveneram, quod me ambitio et forensis labor ab omni illa cogitatione abstrahebat.

- 12 Quis ergo intereeat vestris consiliis ? Omnes hi quos vides huic adesse et in primis Q Hortensius, qui cum propter honorem ac dignitatem atque animum eximium in rem publicam, tum propter summam familiaritatem summumque amorem in patrem tuum cum communibus tum praecipuis patris tui periculis commovebatur. Ergo istius coniurationis crimen defensum ab eo est qui interfuit, qui cognovit, qui particeps et consilii vestri fuit et timoris ; cuius in hoc crimine propulsando cum esset copiosissima atque ornatissima oratio, tamen non minus auctoritatis inerat in ea quam facultatis. Illius igitur coniurationis quae contra vos facta, delata ad vos, a vobis prolata esse dicitur, ego testis esse non potui ; non modo animo nihil comperi, sed vix ad aures meas istius suspicionis fama
- 13 pervenit. Qui vobis in consilio fuerunt, qui vobiscum illa cognorunt, quibus ipsis periculum tum conflare putabatur, qui Autronio non adfuerunt, qui in illum testimonia gravia dixerunt, hunc defendunt, huic adsunt, in huius periculo declarant se non crimine coniurationis, ne adessent ceteris, sed hominum maleficio deterritos esse. Mei consulatus autem tempus

excellent consul, your father ; you know that though I was very intimate with you, still I had no part in that crisis and those discussions : I suppose, because I was not yet in the inner councils of the state, because I had not yet gained office—the goal of my ambition—because my canvass for preferment and toil in the forum had kept me from all thought about that matter. Who, then, did share the councils 12 of you and your father ? All these men whom you see supporting Sulla, and especially Quintus Hortensius. He was greatly moved by the common peril but especially by your father's danger, because of his own rank and dignity and his conspicuous devotion to the state, and also because of his great affection and love for your father. And so the accusation of complicity in that conspiracy has been refuted by a man who had to do with it, who knew it, who shared both your councils and your peril. Though his speech in refutation of this charge was most complete and most elegant, its convincing force was not less conspicuous than its technical perfection. And so I could not be a witness to that conspiracy which is said to have been made against you, reported to you, exposed by you. I not only knew nothing of it but scarcely a word of suspicion about it reached my ears. Those who were in your confidence, who shared 13 your knowledge of these things, against whom it was thought at the time the threat was being directed, who did not assist Autronius, who gave damaging testimony against him, they are defending Sulla, they are assisting him, in his trial they assert that they were scared away from assisting the others, not by an accusation of conspiracy, but because those others were guilty. I shall, however, myself discuss the



## CICERO

et crimen maximae coniurationis a me defendetur. Atque haec inter nos partitio defensionis non est fortuito, iudices, nec temere facta ; sed cum videremus eorum criminum nos patronos adhiberi quorum testes esse possemus, uterque nostrum id sibi suscipiendum putavit de quo aliquid scire ipse atque  
 14 existimare potuisset. V Et quoniam de criminibus superioris coniurationis Hortensium diligenter audistis, de hac coniuratione quae me consule facta est hoc primum attendite.

Multa, cum essem consul, de summis rei publicae periculis audiui, multa quaesivi, multa cognovi ; nullus umquam de Sulla nuntius ad me, nullum indicium, nullae litterae pervenerunt, nulla suspicio. Multum haec vox fortasse valere deberet eius hominis qui consul insidias rei publicae consilio investigasset, veritate aperuisset, magnitudine animi vindicasset, cum is se nihil audisse de P. Sulla, nihil suspicatum esse diceret. Sed ego nondum utor hac voce ad hunc defendendum ; ad purgandum me potius utar, ut mirari Torquatus desinat me qui Autronio non ad-  
 15 fuerim Sullam defendere. Quae enim Autroni fuit causa, quae Sullae est ? Ille ambitus iudicium tollere ac disturbare primum conflato voluit gladiatorum et fugitivorum tumultu, deinde, id quod vidimus omnes, lapidatione atque concursu ; Sulla, si sibi suus pudor ac dignitas non prodesset, nullum auxilium requisivit. Ille damnatus ita se gerebat non solum consiliis et

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<sup>a</sup> i.e. the court that convicted both Autronius and Sulla of bribery in the consular elections.

events of my consulship, and the charge relating to a really important conspiracy. And this division of labour between us was not accidental, gentlemen, nor blindly made, but when we saw that we were being employed to make a defence against those charges on which we could also give evidence, each of us thought he should take the part about which he himself had personal knowledge, about which he had formed an opinion. V. And since you have attentively listened 14 to Hortensius on the charges of the earlier conspiracy, hear this first regarding the conspiracy which occurred in my consulship.

When I was consul, I heard many rumours that concerned very grave dangers threatening the state. I made many inquiries, ascertained many facts. No message about Sulla came to me, no information, no letters, no suspicion. Perhaps great weight should be given to this statement of that man who, as consul, unearthed the conspiracy by his prudence, disclosed it by his truthfulness, punished it with great courage, when he says that he heard nothing against Publius Sulla, suspected nothing. But I now make this deliberate statement, not to defend him, but rather to clear myself, that Torquatus may cease to wonder that I am defending Sulla while I did not assist Autronius. For what was the case of Autronius? 15 What was the case of Sulla? The former wanted to break up and disperse the court that was trying the cases of bribery,<sup>a</sup> first by arranging an uprising of gladiators and runaway slaves, then, as we have all seen, by stone-throwing and rioting, Sulla sought no assistance if his own modest conduct and dignity were to be of no avail. Autronius, after his conviction, conducted himself not only in his acts and conversa-

## CICERO

sermonibus vtrum etiam aspectu et vultu ut inimicus esse amplissimis ordinibus, infestus bonis omnibus, hostis patriae videretur; hic se ita fractum illa calamitate atque adflictum putavit ut nihil sibi ex pristina dignitate superesse arbitraretur, nisi quod modestia  
 16 retinuisset. Hac vero in coniuratione quid tam coniunctum quam ille cum Catilina, cum Lentulo? Quae tanta societas ullis inter se rerum optimarum quanta ei cum illis sceleris, libidinis, audaciae? Quod flagitium Lentulus non cum Autronio concepit? Quod sine eodem illo Catilina facinus admisit? Cum interim Sulla cum eisdem illis non modo noctem solitudinemque non quaereret sed ne mediocri quidem sermone  
 17 et congressu coniungeretur. Illum Allobroges, maximarum rerum verissimi indices, illum multorum litterae ac nuntii coarguerunt; Sullam interea nemo insinulavit, nemo nominavit. Postremo eiecto sive emisso iam ex urbe Catilina ille arma misit, cornua, tubas,<sup>1</sup> fasces, signa, ad<sup>2</sup> legiones, ille relictus intus, expectatus foris, Lentuli poena compressus convertit se aliquando ad timorem, numquam ad sanitatem; hic contra ita quievit ut eo tempore omni Neapoli fuerit, ubi neque homines fuisse putantur huius adfines suspicionis et locus est ipse non tam ad inflammandos calamitosorum animos quam ad consolandos accommodatus.

VI. Propter hanc igitur tantam dissimilitudinem

<sup>1</sup> tubas] a universally accepted correction for tubes of the MSS. Kasten reads tubas secures fasces.

<sup>2</sup> ad added by Kasten, omitted by all MSS.

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<sup>a</sup> Fasces were bundles of rods bound about an axe—the insignia of a magistrate.

<sup>b</sup> Strangled in the Tullianum under Cicero's supervision.

tion but even in his looks and expression as if he were an opponent of the highest classes, a foe to all decent men, an enemy of his country; Sulla thought himself so broken and ruined by that disaster, that he thought nothing was left him of his former dignity except what he retained by his quiet submission. And in this conspiracy, what union was 16 closer than that between Autronius and Catiline, between Autronius and Lentulus? What association for good purposes have any men ever had so intimate, as was his association with these men for the purpose of crime, lawlessness, and recklessness? What shameful act did Lentulus conceive without Autronius? What crime did Catiline commit without this same man? Meanwhile Sulla did not seek to meet these men in the solitude of the night, he did not even meet them for commonplace talk and association. Autronius was accused by the Allobroges, who gave 17 the most truthful evidence about matters of the highest importance; he was accused by letters and reports from many sources. Meanwhile no one accused Sulla, no one mentioned his name. Finally, when Catiline was expelled from the city—or allowed to go—Autronius sent to his legions weapons, bugles, trumpets, fasces,<sup>a</sup> standards. He was left in the city, but Catiline awaited him outside the walls. Overwhelmed by the punishment of Lentulus,<sup>b</sup> he came at last to fear but not to reason. In contrast, Sulla so completely retired that he was all this time at Naples, where it is thought there were no men tainted with this suspicion, in a city itself suited rather for calming men's passions than for rekindling the animosities of men in trouble.

VI. Therefore, because of the great dissimilarity

hominum atque causarum dissimilem me in utroque  
 18 praebui Veniebat enim ad me et saepe veniebat  
 Autronius multis cum lacrimis supplex ut se de-  
 fenderem, et se meum condiscipulum in pueritia,  
 familiarem in adulescentia, collegam in quaestura  
 commemorabat fuisse; multa mea in se, nonnulla  
 sua in me etiam proferebat officia. Quibus ego rebus,  
 iudices, ita flectebar animo atque frangebar ut iam  
 ex memoria quas mihi ipsi fecerat insidias deponerem,  
 ut iam immissum esse ab eo C. Cornelium qui me in  
 meis sedibus, in conspectu uxoris ac liberorum meorum  
 (19) trucidaret obliviscerer. Quae si de uno me cogitas-  
 set, qua molitia sum animi ac lenitate, numquam  
 19 mehercule illius lacrimis ac precibus restitissem; sed  
 cum mihi patriae, cum vestrorum periculorum, cum  
 huius urbis, cum illorum delubrorum atque tem-  
 plorum, cum puerorum infantum, cum matronarum  
 ac virginum veniebat in mentem, et cum illae infestae  
 ac funestae faces universumque totius urbis incen-  
 dium, cum tela, cum caedes, cum civium cruor, cum  
 cinis patriae versari ante oculos atque animum me-  
 moria refricare coeperat, tum denique ei resistebam,  
 neque solum illi hosti ac parricidae sed his etiam pro-  
 pinquis illius, Marcellis, patri et filio, quorum alter  
 apud me parentis gravitatem, alter filii suavitatem  
 obtinebat; neque me arbitrabar sine summo scelere  
 posse, quod maleficium in aliis vindicasset, idem in  
 20 illorum socio, cum scirem, defendere. Atque idem  
 ego neque P. Sullam supplicem ferre, neque eosdem  
 Marcellos pro huius periculis lacrimantes aspicere,

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^ a i.e. Autronius.

between the men and their cases I have behaved toward each of them in a different way For Autiomus, 18 came to me, he came often in tears, begging me to defend him, and saying how we had been school-fellows in boyhood, friends in youth, colleagues in the quaestorship; he instanced the many services I had done him, and some also that he had done me By these things I was so moved, gentlemen, and so shaken in my purpose, that I erased from my memory the plots he had formed against me, and I forgot that he had sent Gaius Cornelius to kill me in my own house in the sight of my wife and children. If he had devised these things against me alone, such is the tenderness of my heart and my gentleness, I never should have resisted his tears and prayers. But when I thought of my country, of 19 your perils, of this city, of these shrines and temples, of the little children, of the mothers and maids, when the picture of those fatal, funereal fire-brands, the burning of the whole city, the stores of arms, the murders, the blood of the citizens, the ashes of the country began to rise again before my eyes and the recollection of them to fret again my soul, then at last I denied him, and not him alone, enemy and traitor that he was, but his relatives too—the Marcelli, father and son, for one of whom I felt reverence as for a father, for the other, tenderness as for a son. And I did not think that I could, without committing the gravest fault, defend their friend<sup>a</sup> charged with that same crime, after I had come to recognize it, which I had punished in others. And yet I could not bear 20 to have Publius Sulla a suppliant, nor to look upon these same Marcelli weeping for the danger he was in,

neque huius M. Messallae, hominis necessarii, preces sustinere potui; neque enim est causa adversata naturae, nec homo nec res misericordiae in hac repugnavit. Nusquam nomen, nusquam vestigium fuerat, nullum crimen, nullum indicium, nulla suspicio. Suscepi causam. Torquate, suscepi, et feci libenter ut me, quem boni constantem, ut spero, semper existimassent, eundem ne improbi quidem crudelem dicerent.

- 21 VII Hic ait se ille, iudices, regnum meum ferre non posse. Quod tandem, Torquate, regnum? Consulatus, credo, mei; in quo ego imperavi nihil et contra patribus conscriptis et bonis omnibus parui; quo in magistratu non institutum est a me videlicet regnum, sed repressum. An tu in tanto imperio tanta potestate non dicis me fuisse regem, nunc privatum regnare dicis? quo tandem nomine? "Quod, in quos testimonia dixisti," inquit, "damnati sunt; quem defendis, sperat se absolutum iri." Hic tibi ego de testimoniis meis hoc respondeo, si falsum dixerim, te in eosdem dixisse; sin verum, non esse hoc re-
- (22) gnare, cum verum iuratus dicas, probare. De huius spe tantum dico, nullas a me opes P. Sullam, nullam potentiam, nihil denique praeter fidem defensionis
- 22 expectare. "Nisi tu," inquit, "causam recepisses, numquam mihi restitisset, sed indicta causa profugisset." Si iam tibi hoc concedam, Q. Hortensium,

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<sup>a</sup> Messalla was consul the next year, 61. Since he is not spoken of as consul-elect, this speech was probably delivered before the election which took place in August, 62.

<sup>b</sup> The tyranny threatened by Catiline's conspiracy.

nor endure the prayer of my friend here, Marcus Messalla.<sup>a</sup> For the case is not uncongenial to my nature, and the man and his fortunes did not fail to arouse my feelings of pity. His name was never mentioned, there was no trace of complicity, no accusation, no evidence, no suspicion. I have undertaken the case, Torquatus, I have undertaken it and I have done so gladly in order that I, whom good men have, I hope, always thought steadfast, may be called „cruel not even by the wicked

VII Torquatus says, gentlemen, that he cannot 21 endure my tyranny. What tyranny, pray, are you talking about, Torquatus? My consulship, I suppose, in which I gave no orders at all, but on the contrary I obeyed the senators and all upright men. In my term of office, I did not, of course, establish a tyranny but I averted a tyranny.<sup>b</sup> Or do you mean, not that I was a tyrant while in a position of such great civil power and authority, but that now in private life I have become a tyrant? Under what head, pray? "It is because," he says, "those against whom you have testified have been condemned, the man you are defending hopes to go free." Here is my answer to you regarding the evidence I have given: if I did not tell the truth, neither did you, for you spoke against the same men; but if I did tell the truth under oath—it is no tyranny when you tell the truth, to prove it. Regarding Sulla's hopes, I have only this to say: that Publius Sulla expects nothing of my resources, nothing of my influence, finally nothing at all of me except the loyalty of a defence. "If you had not accepted the 22 case," he says, "he never would have opposed me but would have gone into exile without standing trial." If now I should grant you that Quintus Hortensius,



tanta gravitate hominem, si hos tales viros non suo stare iudicio, sed meo, si hoc tibi dcm quod credi non potest, nisi ego huic adessem, hos adfuturos non fuisse, uter tandem rex est, isne cui innocentes homines non resistunt, an is qui calamitosos non deserit? At hic etiam, id quod minime tibi necesse fuit, facetus esse voluisti, cum Tarquinius et Numam et me tertium peregrinum regem esse dixisti. Mitto iam de rege quaerere; illud quaero peregrinum cur me esse dixeris. Nam si ita sum, non tam est admirandum regem me esse, quoniam, ut tu ais, etiam peregrini reges Romae fuerunt, quam consulem  
 23 Romae fuisse peregrinum. "Hoc dico," inquit, "te esse ex municipio." Fateor et addo etiam ex co municipio unde iterum iam salus huic urbi imperioque missa est. Sed scire ex te pervehi quam ob rem qui ex municipiis veniant peregrini tibi esse videantur. Nemo istuc M. illi Catoni seni, cum plurimos haberet inimicos, nemo Ti. Coruncanio, nemo M'. Curio, nemo huic ipsi nostro C. Mario, cum ei multi inviderent, obiecit umquam. Equidem vehementer laetor eum esse me in quem tu, cum cuperes, nullam contumeliam iacere potueris quae non ad maximam partem civium conveniret. VIII. Sed tamen te a me pro magnis causis nostrae necessitudinis monendum esse etiam atque etiam puto: non possunt omnes esse patricii; si verum quaeris, ne curant quidem; nec se aequales tui propter istam causam abs te anteiri

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<sup>a</sup> *i.e.* Sulla, innocent, would have retired as an exile because of Torquatus's prosecution.

<sup>b</sup> Arpinum. Cicero's native town had had full citizen rights since 188. It had had partial rights since 302 B.C.

<sup>c</sup> Marius formerly, and Cicero lately, had both saved Rome. Both were natives of Arpinum.

with all his great influence, and that other men like him depend, not on their own judgement, but on mine ; if I should concede you this, a thing which is incredible, that if I did not defend Sulla these men would not have done so—which is the tyrant, pray, he whom innocent men dare not resist,<sup>a</sup> or he who does not desert men overwhelmed by calamity ? Or were you pleased at this point to be jocular—quite unnecessarily—when you said that there were three foreign tyrants. Tarquin, Numa, and I ? I forbear to ask now why you called me a tyrant ; I do ask this—why you have called me a foreigner. Or if I am, it is not so surprising that I should be a tyrant, since, as you say, even foreigners were tyrants at Rome ; the surprising thing is that a foreigner should have been consul at Rome “ I mean,” says he, “ that you are <sup>23</sup> from a municipal town.”<sup>b</sup> I admit it, and I even add from a town whence now a second time <sup>c</sup> salvation has come to this city and state. But I am very anxious to have you tell me why those who come from municipal towns seem to you to be foreigners. No one ever brought that charge against that famous old man, Marcus Cato, though he had very many enemies, nor against Tiberius Coruncanius, nor against Manius Curius, nor against my fellow-townsmen, Gaius Marius, though many were jealous of him. Indeed, I am exceedingly glad that I am one against whom you, in your eagerness, could hurl no insult which did not apply to most of our citizens. VIII. But still I think I ought to tell you again and again, as the important reasons for our friendship demand : all cannot be patricians, nor, if you want the truth, do they care about it ; and men of your own age do not think

- 24 putant. Ac si tibi nos peregrini videmur, quorum iam et nomen et honos inveteravit et urbi huic et hominum famae ac sermonibus, quam tibi illos competitores tuos peregrinos videri necesse erit qui iam ex tota Italia delecti tecum de honore ac de omni dignitate contendunt<sup>1</sup> Quorum tu cave quemquam peregrinum appelles, ne peregrinorum suffragiis obruare. Qui si attulerint nervos et industriam, mihi crede, excutient, tibi istam verborum iactationem et te ex somno saepe excitabunt nec patientur se abs te, nisi
- 25 virtute vincentur, honore superari. Ac si, iudices, ceteris patricius me et vos peregrinos videri oporteret, a Torquato tamen hoc vitium sileatur; est enim ipse a materno genere municipalis, honestissimi ac nobilissimi generis, sed tamen Asculani. Aut igitur doceat Picentis solos non esse peregrinos aut gaudeat suo generi me meum non anteponere. Quare neque tu me peregrinum posthac dixeris, ne gravius refutare, neque regem, ne derideare. Nisi forte regium tibi videtur ita vivere ut non modo homini nemini sed ne cupiditati quidem ulli servias, contemnere omnes libidines, non auri, non argenti, non ceterarum rerum indigere, in senatu sentire libere, populi utilitati magis consulere quam voluntati, nemini cedere, multis obsistere. Si hoc putas esse regium, me regem esse confiteor; sin te potentia mea, si dominatio, si denique aliquid dictum arrogans aut superbum movet,

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<sup>1</sup> Torquatus was probably a candidate for the quaestorship. Many of his opponents, as Cicero points out, came from the municipal towns of Italy and would therefore, according to Torquatus's charge against Cicero, be foreigners.

<sup>2</sup> Asculum was in the district of Picenum and so a municipal town like Cicero's Arpinum.

themselves inferior to you because they are not patricians. And if we seem foreigners to you, we whose 24 name and honour have become familiar to this city through the good report and the conversation of men, then, of course, your rivals must seem foreigners to you. who now, chosen from all Italy, will contest office<sup>a</sup> and honour with you! Take care not to call anyone of them a foreigner, or you will be buried beneath "foreign votes"<sup>b</sup>! If they bring to the canvass vigour and persistence, believe me, they will shake those proud words out of you, they will wake you often out of your own sleep, nor will they allow you to defeat them for office unless you surpass them in excellence. And if, gentlemen, you and I seemed rightly to the 25 other patricians to be foreigners, Torquatus at least would be silent about this blemish, for he himself is a citizen of a municipal town on his mother's side—a very honourable and noble family—but still only from Asculum. So either let him show that the people of Picenum<sup>b</sup> alone are not foreigners, or let him be glad that I do not rate my family above his. Then do not after this call me a foreigner, or you may be more roughly refuted, nor call me a tyrant, or you may become a laughing-stock. Unless perhaps it seems to you tyrannical so to live that you are a slave to no man nor even to any passion, to despise all desires, to covet neither gold, nor silver, nor other possessions, to express yourself freely in the senate, to consult the people's need rather than their pleasure, to yield to no one, to oppose many. If you think that is tyrannical, I admit I am a tyrant. But if my power, if my tyranny, if finally any arrogant or haughty utterance of mine moves you to anger, quote that against

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quin tu id potius profers quam verbi invidiam contumeliamque maledicti ?

- 26 IX Ego, tantis a me beneficis in re publica positis, si nullum aliud mihi praemium ab senatu populoque Romano nisi honestum otium postularem, quis non concederet ? Sibi haberent honores, sibi imperia, sibi provincias, sibi triumphos, sibi alia praeclarae laudis insignia ; mihi liceret eius urbis quam conservassem conspectu tranquillo animo et quieto frui Quid si hoc non postulo ? Si ille labor meus pristinus, si sollicitudo, si officia, si operae, si vigiliae deserviunt amicis, praesto sunt omnibus ; si neque amici in foro requirunt studium meum neque res publica in curia ; si me non modo non rerum gestarum vacatio sed neque honoris neque aetatis excusatio vindicat a labore ; si voluntas mea, si industria, si domus, si animus, si aures patent omnibus ; si mihi ne ad ea quidem quae pro salute omnium gessi recordanda et cogitanda quicquam relinquitur temporis : tamen hoc regnum appellabitur, cuius vicarius
- 27 qui velit esse inveniri nemo potest ? Longe abest a me regni suspicio ; sin quaeris qui sint Romae regnum occupare conati, ut ne replices annalium memoriam, ex domesticis imaginibus invenies. Res enim gestae, credo, meae me nimis extulerunt ac mihi nescio quos spiritus attulerunt. Quibus de rebus tam clavis, tam immortalibus, iudices, hoc possum dicere, me qui ex summis periculis eripuerim urbem hanc et vitam omnium civium satis adeptum fore, si ex hoc tanto in omnis mortalis beneficio nullum in me

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<sup>6</sup> " Cicero probably refers to the three histories he wrote of his consulship (1) in Greek, (2) in Latin verse, and (3) in Latin prose.

me, rather than an odious epithet and an insulting vilification.

IX If for all the benefits I have conferred on the state I were asking for myself no other reward of the senate and the Roman people except an honoured ease, who would not grant it ? *They* would have for themselves their offices, commands, provinces, triumphs, and other insignia of notable distinction. But *I* would, with a calm and tranquil mind, be allowed to enjoy the sight of the city which I have preserved. What if I do not ask for this ? If that former activity of mine, if my sympathy, if my service, if my assistance, if my alert attention, are still at the disposal of my friends, are ready at hand for everybody to use ; if in the forum my friends do not lack my loyal support, nor the state my counsel in the senate-house ; if not only have I no rest from the cares of state but also no excuse arising from my office or my age frees me from toil ; if my goodwill, my time, my house, my thoughts, and my attention are at the service of all men ; if no time is left me to record <sup>a</sup> and contemplate even these things which I have done for the protection of all, will this still be called tyranny when no one can be found who wishes to succeed to it ? The suspicion of being a tyrant is remote from me ; but if you ask who have tried to seize the tyranny at Rome—not to unroll the scroll of ancient history—you will find them in your own family-tree. For I suppose that my achievements have too greatly exalted me, and have raised in me some strange arrogance. Regarding these achievements so famous and so deathless, gentlemen, I can say this : that I, who rescued this city and the lives of all the citizens from the very greatest dangers, shall have been amply repaid if no danger comes upon me from

- 28 ipsum periculum redundarit Etenim in qua civitate res tantas gesserim memini, et qua in urbe verser intellego. Plenum forum est eorum hominum quos ego a vestris cervicibus depuli, iudices, a meis non removi Nisi vero paucos fuisse arbitramini qui conari aut sperare possent se tantum impetum posse delere. Horum ego faces eripere de manibus et gladios extorquere potui, sicuti feci, voluntates vero consceleratas ac nefarias nec sanare potui nec tollere. Quare non sum nescius quanto periculo vivam in tanta multitudine improborum, cum mihi uni cum omnibus improbis aeternum videam bellum esse susceptum.
- 29 X. Quodsi illis meis praesidus forte invides, et si ea tibi regia videntur quod omnes boni omnium generum atque ordinum suam salutem cum mea coniungunt, consolare te quod omnium mentes improborum mihi uni maxime sunt infensae et adversae; qui me solum non modo idcirco oderunt quod eorum conatus impios et furorem consceleratum repressi, sed eo etiam magis quod nihil iam se simile me vivo conari posse arbitrantur.
- 30 At vero quid ego mirer, si quid ab improbis de me improbe dicitur, cum L. Torquatus primum ipse his fundamentis adolescentiae iactis, ea spe proposita amplissimae dignitatis, deinde L. Torquati, fortissimi consulis, constantissimi senatoris, semper optimi civis filius, interdum efferatur immoderatione verborum? Qui cum suppressa voce de scelere P. Lentuli, de audacia coniuratorum omnium dixisset, tantum modo ut vos qui ea probatis exaudire possetis,

this great service to all mankind. For I remember 28  
 what a state it is in which I have wrought these deeds,  
 what a city it is in which I move. The forum is full  
 of these men whom I have shaken from your shoulders,  
 gentlemen, from mine I have not removed them  
 Unless, indeed, you think they who could try or hope  
 to destroy so great a government were few in number.  
 Their torches I could—and did—strike from their  
 hand, then swords from their grasp, but their criminal  
 and treasonable desires I could neither heal nor crush.  
 So I am not ignorant in what danger I live, in the midst  
 of so great a crowd of evil men, when I see that I alone  
 have undertaken an everlasting war against all the  
 wicked. X. But if by chance you envy me this 29  
 guard which I have, and if it seems tyrannical to you  
 that all upright men of all classes and ranks link  
 their salvation with mine, comfort yourself with the  
 thought that the purposes of all evil men are danger-  
 ous and furious against me alone. They detest me not  
 only for this reason—because I foiled their treason-  
 able designs and criminal madness—but even more  
 because they think that they can undertake no  
 similar project while I live. But why should I be 30  
 surprised if I am slandered by slanderous fellows,  
 when Lucius Torquatus, who had so well laid the  
 foundations of his youth, who had such expectations  
 of reaching the highest office, who was, besides, the  
 son of Lucius Torquatus, a dauntless consul, a stead-  
 fast senator, and always a most honourable citizen,  
 when even he is sometimes led to be intemperate in  
 his language? After he had spoken in a low voice  
 of the crime of Publius Lentulus, of the boldness of  
 all the conspirators—only loud enough for you who  
 approve these sentiments to hear—then he began



## CICERO

de supplicio, de Lentuli,<sup>1</sup> de carcere magna et queri-  
 31 bunda voce dicebat. In quo primum illud erat ab-  
 surdum quod, cum ea quae leviter dixerat vobis  
 probare volebat, eos autem qui circum iudicium sta-  
 bant audire nolebat, non intellegebat ea quae clare  
 diceret ita illos audituros quibus se venditabat ut vos  
 quoque audiretis, qui id non probabatis. Deinde  
 alterum iam orationis vitium non videre, quid quaeque  
 causa postulet. Nihil est enim tam alienum ab eo  
 qui alterum coniurationis accuset quam videtur coniu-  
 ratorum poenam mortemque lugeie. Quod cum is  
 tribunus plebis facit qui unus videtur ex illis ad  
 lugendos comuratos relictus, nemini mirum est; diffi-  
 cile est enim tacere, cum doleas; te, si quid facis eius  
 modi, non modo talem adolescentem sed in ea causa  
 in qua te vindicem coniurationis velis esse vehementer  
 32 admiror. Sed reprehendo tamen illud maxime quod  
 isto ingenio et prudentia praeditus causam rei pub-  
 licae non tenes, qui arbitrare plebi Romanae res eas  
 non probari quas me consule omnes boni pro salute  
 communis gesserunt.

XI. Ecquem tu horum qui adsunt, quibus te  
 contra ipsorum voluntatem venditabas, aut tam  
 sceleratum statuis fuisse ut haec omnia perire  
 voluerit, aut tam miserum ut et se perire cuperet et  
 nihil haberet quod salvum esse vellet? An vero  
 clarissimum virum generis vestri ac nominis nemo

<sup>1</sup> de Lentulo *the reading of the better mss*, Lentuli of  
*inferior mss*. Halm and Clark omit the two words Reid  
 has de laqueo.

<sup>a</sup> Referring to the execution of Lentulus without a trial—  
 the charge on which Cicero was later exiled.

<sup>b</sup> The reference is probably to Lucius Calpurnius Bestia,  
 who was implicated in Catiline's conspiracy (Sall. *Cat.* 17. 43).

to speak of punishment—Lentulus's punishment of the prison,<sup>a</sup> in a loud and querulous manner is a ridiculous proceeding, in the first place, because he wished you to approve of the things which he said under his breath and he did not wish those who were standing around the court to hear; but he did not perceive that those whose favour he was seeking could not hear what he spoke aloud unless you who did not approve also heard it. Then, a second mistake for an orator not to see clearly what treatment each case requires. Nothing is so out of place in a speaker who accuses another of treason as to seem to mourn for the punishment and death of traitors. When that tribune of the people<sup>b</sup> does this, who seems the only one of them left to mourn traitors, no one is surprised; for it is hard to keep silent when you are really grieved; but if you do anything of this kind I am greatly surprised—such a young man as you are—especially in a case where you desire to have a hand in punishing traitors. However, I blame you most of all because, 32 for all your great ability and prudence, you do not understand the interests of the state when you imagine that the Roman people do not approve of those acts which in my consulship all decent men did for the common safety.

XI Do you think that anyone of those who are here, into whose favour you have been trying to ingratiate yourself against their will, has been so abandoned that he wished all these things to perish, or so wretched that he wished to die himself and possessed nothing which he wished to be safe? No one blames a most famous man of your own family and name,<sup>c</sup> who

<sup>a</sup> T. Manlius Torquatus—consul 340—who put his own son to death for insubordination.

## CICERO

- reprehendit, qui filium suum vita privavit ut in ceteros firmaret imperium ; tu rem publicam reprehendis, quae domesticos hostis, ne ab eis ipsa necaretur,
- 33 necavit ? Itaque attende, Torquate, quam ego defugiam auctoritatem consulatus mei ! Maxima voce, ut omnes exaudire possint, dico semperque dicam. Adeste omnes animis, qui adestis, quorum ego frequentia magnopere laetor ; erigite mentes auresque vestras et me de invidiosis rebus, ut ille putat, dicentem attendite ! Ego consul, cum exercitus perditorum civium clandestino scelere conflatus crudelissimum et luctuosissimum exitium patriae comparasset, cumque ad occasum interitumque rei publicae Catilina in castris, in his autem templis atque tectis dux Lentulus esset constitutus, meis consiliis, meis laboribus, mei capitis periculis, sine tumultu, sine dilectu, sine armis, sine exercitu, quinque hominibus comprehensis atque confessis incensione urbem, internicione cives, vastitate Italiam, interitu rem publicam liberavi ; ego vitam omnium civium, statum orbis terrae, urbem hanc denique, sedem omnium nostrum, arcem regum ac nationum exterarum, lumen gentium, domicilium imperii, quinque hominum
- 34 amentium ac perditorum poena redemi. An me existimasti haec iniuratum in iudicio non esse dicturum quae iuratus in maxima contione dixissem ? XII. Atque etiam illud addam, ne qui forte incipiat improbus subito te amare, Torquate, et aliquid sperare de te, atque ut idem omnes exaudiant, clarissima voce dicam. Harum rerum omnium quas ego in consulatu pro salute rei publicae suscepi atque gessi L. ille

put his own son to death that he might firmly establish his discipline over others; do you blame the state which has destroyed traitors that it might not itself be destroyed by them? Now behold. Torquatus how I 33 deprecate the authority I exercised in my consulship. At the top of my voice, so that all men may hear, I say this and always will say it: give me your attention, all you who are here—your large numbers give me great pleasure—lend me your attention and your ears, and hear what I have to say of the acts which he thinks invidious! When an army of traitorous citizens, herded together for secret crime, had prepared for the country a most cruel and terrible end, and when, for the overthrow and destruction of the state, Catiline had been made commander in the camp and Lentulus commander in these very temples and dwellings, I the consul, by my precaution and my toil, at the risk of my life, without a riot, without a levy, without arms, without an army, by the arrest and confession of five men only, freed the city from conflagration, the citizens from murder, Italy from devastation, the state from ruin. I saved the lives of all the citizens, the peace of the world, this city, the home of us all, the citadel of foreign kings and nations, the light of mankind, the home of empire, by the punishment of five mad, abandoned men. Or did you think that I would not say in a court 34 of law, when not on my oath, that which I had said on oath in a great public gathering? XII. And I will add this too, so that no rascal may suddenly fall in love with you, Torquatus, or have any hopes of you, and that all these same men may hear it, I will say it at the top of my voice; in all the things which I, in my consulship, undertook and did for the state, that

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Torquatus, cum esset meus contubernalis in consulatu atque etiam in praetura fuisset, auctor, adiutor, particeps exstitit cum princeps, cum auctor, cum signifer esset iuventutis; parens vero eius, homo amantissimus patriae, maximi animi, summi consilii, singularis constantiae, cum esset aeger, tamen omnibus rebus illis interfuit, nusquam est a me digressus, studio, consilio, auctoritate unus adiuvit plurimum, cum infirmitatem corporis animi virtute superaret.

- 35 Videsne ut eripiam te ex improborum subita gratia et reconciliem bonis omnibus? qui te et diligunt et retinent retinebuntque semper nec, si forte a me desciveris, idcirco te a se et a re publica et a tua dignitate deficere patientur. Sed iam redeo ad causam atque hoc vos, iudices, testor: mihi de memet ipso tam multa dicendi necessitas quaedam imposita est ab illo. Nam si Torquatus Sullam solum accusasset, ego quoque hoc tempore nihil aliud agerem nisi eum qui accusatus esset defenderem; sed cum ille tota illa oratione in me esset invectus et cum, ut initio dixi, defensionem meam spoliare auctoritate voluisset, etiamsi me meus dolor respondere non cogeret, tamen ipsa causa hanc a me orationem flagitavisset.

- 36 XIII. Ab Allobrogibus nominatum Sullam esse dicis. Quis negat? Sed lege indicium et vide quem ad modum nominatus sit. L. Cassium dixerunt commemorasse cum ceteris Autronium secum facere. Quaero num Sullam dixerit Cassius. Nus-

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<sup>a</sup> *i.e.* in the evidence given by them before the senate against the conspirators.

man Lucius Torquatus, as he had been my close companion in the consulship and also in the praetorship, so he was my backer, my lieutenant, my associate, while he was also the commander, the organizer, the standard-bearer of the youth. And indeed his father, a most patriotic man, a man of the greatest courage, most resourceful, of remarkable integrity, though he was ill, still took part in all these things; he never left me, he gave me invaluable assistance by his energy, his advice, and his influence, while he was overcoming the weakness of his body by the courage of his spirit. Do you see how I <sup>35</sup> am rescuing you from any sudden popularity with villains and reconciling you to all decent men? They both love you and cherish you—and always will cherish you—and if by any chance you part company with me they will not on that account allow you to be false to yourself and the state and your own dignity. But now I return to the case, and I call you, gentlemen, to bear witness to me in this: that it was he who made it necessary for me to say so much about myself. For if Torquatus had accused Sulla only, I at this time would have done nothing but defend the man who had been accused. But since he had directed all the venom of his speech against me, and since, as I said at the beginning, he has tried to rob my defence of all authority, even if indignation had not forced me to answer him, still the case itself would have demanded this statement from me.

XIII. You say Sulla was named by the Allobroges.<sup>a</sup> <sup>36</sup> Who denies it? But read the evidence and see how he was named. They said that Lucius Cassius affirmed that Autronius and others were acting with them. I ask you: Did Cassius mention Sulla? Never.

quam. Sese aiunt quaesisse de Cassio quid Sulla sentiret. Videte diligentiam Gallorum; qui vitam hominum naturamque non nossent ac tantum audissent eos pari calamitate esse, quaesiverunt essentne eadem voluntate. Quid tum Cassius? Si respondisset idem sentire et secum facere Sullam, tamen mihi non videretur in hunc id criminis esse debere. Quid ita? <sup>6</sup> Quia, qui barbaros homines ad bellum impelleret, non debebat minuere illorum suspicionem et purgare eos de quibus illi aliquid suspicari viderentur

37 Non respondit tamen una facere Sullam. Etenim esset absurdum, cum ceteros sua sponte nominasset, mentionem facere Sullae nullam nisi admonitum et interrogatum; nisi forte veri simile est P. Sullae nomen in memoria Cassio non fuisse. Si nobilitas hominis, si adflata fortuna, si reliquiae pristinae dignitatis non tam illustres fuissent, tamen Autroni commemoratio memoriam Sullae rettulisset; etiam, ut arbitror, cum auctoritates principum coniurationis ad incitandos animos Allobrogum colligeret Cassius, et cum sciret exteris nationes maxime nobilitate moveri, non prius Autronium quam Sullam nominavisset.

38 Iam vero illud minime probari potest, Gallos Autronio nominato putasse propter calamitatis similitudinem sibi aliquid de Sulla esse quaerendum, Cassio, si hic esset in eodem scelere, ne cum appellasset quidem Autronium, huius in mentem venire potuisse. Sed

They say that they asked Cassius what Sulla's opinions were. See how careful the Gauls were ; because they did not know the reputation of the men nor their character and had only heard that they were involved in the common disaster, they inquired whether or not they were of the same way of thinking. What said Cassius to that ? If he had said that Sulla agreed with him and was co-operating with him, still it does not seem to me that that should be regarded as incriminating Sulla. Why so ? Because, since Cassius was instigating these barbarians to war, it was not for him to lessen their suspicion nor to clear those of whom they seemed to suspect something. Still he did not say that Sulla <sup>37</sup> was acting with him. For it would have been ridiculous, after naming others who were acting with him, not to mention Sulla unless he was advised and asked—unless, of course, you think it likely that Cassius did not remember the name of Publius Sulla. If the man's rank, if his ill fortune, if the remnants of his former estate had not been conspicuous, still the mention of Autronius would have reminded him of Sulla. For, as I think, since Cassius was using the prestige of eminent men in the conspiracy in order to win the support of the Allobroges, and since he knew that foreigners are especially influenced by an illustrious name, he would not have mentioned Autronius before Sulla. And there is something else nobody <sup>38</sup> could possibly believe. that the Gauls thought, after Autronius had been mentioned, that they ought to make some inquiry about Sulla because of the similarity of their misfortune, but Cassius, if Sulla were a party to this same crime, could not remember him even when he had named Autronius. But still



sum meo tantum ingenio dare ut tot res tantas, tam varias, tam repentinas in illa turbulentissima tempestate rei publicae mea sponte dispexerim—vos profecto animum meum tum conservandae patriae cupiditate incendistis, vos me ab omnibus ceteris cogitationibus ad unam salutem rei publicae convertistis, vos denique in tantis tenebris erroris et inscientiae clauissimum lumen menti meae praetulistis.

- 41 Vidi ego hoc, iudices, nisi recenti memoria senatus auctoritatem huius iudicii monumentis publicis testatus essem, fore ut aliquando non Torquatus neque Torquati quispiam similis—nam id me multum fefellit—sed ut aliquis patrimonii naufragus, inimicus otii, bonorum hostis, aliter indicata haec esse diceret, quo facilius vento aliquo in optimum quemque excitato posset in malis rei publicae portum aliquem suorum malorum invenire. Itaque introductis in senatum iudicibus constitui senatores qui omnia iudicum dicta, interrogata, responsa perscriberent.
- 42 At quos viros ! non solum summa virtute et fide—cuius generis erat in senatu facultas maxima—sed etiam quos sciebam memoria, scientia, consuetudine et celeritate scribendi facillime quae dicerentur persequi posse, C. Cosconium, qui tum erat praetor, M. Messallam, qui tum praeturam petebat, P. Nigidium, App. Claudium. Credo esse neminem qui his hominibus ad vere referendum aut fidem putet aut ingenium defuisse

XV. Quid ? deinde quid feci ? Cum scirem ita esse iudicium relatum in tabulas publicas ut

to you belongs, nor can I credit my own genius alone with guiding me in detecting, through my own efforts, so many dangers, so great, so various, and so unexpected. in the tempest that raged so terribly in the state—you alone then enkindled in my mind the desire to serve the state, *you* turned me from all other considerations to the saving of the state alone; in that awful darkness of doubt and uncertainty *you* shed on my mind the clearest light. I foresaw, gentlemen, 41 that unless I attested the truth of this information in the public records while the memory of the senate was still fresh, one day it would happen that, not Torquatus nor anyone like Torquatus—for in that indeed I have been much deceived—but that someone who had made shipwreck of his fortunes, some foe of peace and quiet, some enemy of decent men, would say it was a false record, only to raise more easily a storm against honest people and to find in the troubled waters of the state some harbour for his own troubles. And so when the informers were brought into the senate, I appointed senators to take down all the words of the informers, the questions asked them, and their answers. And what men! men not only of undoubted 42 probity and honour—men of this character were very numerous in the senate—but those who could, as I knew, most easily keep up with what was being said, because of their memory, their skill, their practice and speed in writing: Gaius Cosconius, who was then praetor, Marcus Messalla, who was then a candidate for the praetorship, Publius Nigidius, Appius Claudius. I suppose there is no one who thinks these men lacked either the honesty or the ability to make a true record.

XV. Very well. What did I do then? When I knew that the evidence had been entered in the public

illae tabulae privata tamen custodia more maiorum  
 continerentur, non occultavi, non continui domi,  
 sed statim describi ab omnibus libranis, dividi  
 passim et pervulgari atque edi populo Romano  
 imperavi. Divisi toti Italiae, emisi in omnes provin-  
 cias; eius indicii ex quo oblata salus esset omnibus  
 43 expertem esse neminem volui. Itaque dico locum  
 in orbe terrarum esse nullum, quo in loco populi  
 Romani nomen sit, quin eodem perscriptum hoc in-  
 dicium pervenerit. In quo ego tam subito et exiguo  
 et turbido tempore multa divinitus, ita ut dixi, non  
 mea sponte providi, primum ne qui posset tantum  
 aut de rei publicae aut de alicuius periculo meminisse  
 quantum vellet; deinde ne cui liceret umquam repre-  
 hendere illud indicium aut temere creditum criminari;  
 postremo ne quid iam a me, ne quid ex meis com-  
 mentariis quaeretur, ne aut oblivio mea aut memoria  
 nimia videretur, ne denique aut negligentia turpis  
 44 aut diligentia crudelis putaretur. Sed tamen abs-  
 te, Torquate, quaero: cum indicatus tuus inimicus  
 esset et esset eius rei frequens senatus et recens  
 memoria testis, tibi, meo familiari et contubernali,  
 prius etiam edituri indicium fuerint scribae mei, si  
 voluisses, quam in codicem rettulissent: cum videres  
 aliter referri, cur tacuisti, passus es, non mecum aut  
 cum familiari meo questus es aut, quoniam tam facile  
 inveheris in amicos, iracundius aut vehementius ex-

records, but that those records would be kept after our ancestral custom in the custody of private persons, I did not keep the evidence secret nor confine it in my house, but at once I gave orders that it should be transcribed by all the public clerks, distributed everywhere, given the fullest publicity and made known in detail to the Roman people. I sent it broadcast through all Italy, I sent it to all the provinces; I wished no one to be ignorant of that testimony by which safety had been brought to all. And so I say 43 that there is no place in all the world where the name of the Roman people is known to which this transcribed evidence has not come. In that crisis so sudden, so brief, so tempestuous, I provided for many things, not by my own sagacity, but by divine inspiration, as I have said, first that no one might be able to remember only what he wished regarding the danger either public or private; second, that no one might be allowed ever to discredit that evidence or to complain that it was rashly believed; and finally, that no investigation might depend on me or my private records, lest my forgetfulness or my memory might seem excessive, and lest my carelessness might be thought disgraceful or my efficiency cruel. But still 44 I ask you this, Torquatus: when your enemy was mentioned, and a crowded senate was a witness to this, and the memory of it was still fresh, and my clerks would have disclosed the evidence to you, my familiar and intimate friend, had you wished, before they transferred it to the record—when you saw the record being falsified, why were you silent, why did you allow it, why did you not complain to me or to some friend of mine, or expostulate with more anger and vehemence with me since you so readily attack

postulasti ? Tu, cum tua vox numquam sit audita, cum indicio lecto, descripto, divulgato quieveris, tacueris, repente tantam rem ementiare et in eum locum te deducas ut, ante quam me commutati indicii coargueris, te summae negligentiae tuo iudicio convictum esse fateare ?

- 45 XVI Mihi cuiusquam salus tanti fuisset ut meam neglegerem ? Per me ego veritatem patefactam contaminarem aliquo mendacio ? Quemquam denique ego iuvarem, a quo et tam crudelis insidias rei publicae factas et me potissimum consule constitutas putarem ? Quodsi iam essem oblitus severitatis et constantiae meae, tamne amens eram ut, cum litterae posteritatis causa repertae sint, quae subsidio oblivioni esse possent, ego recentem putarem memoriam cuncti senatus
- 46 commentario meo posse superari ? Fero ego te, Torquate, iam dudum, fero, et nonnumquam animum incitatum ad ulciscendam orationem tuam revoco ipse et reflecto, permitto aliquid iracundiae tuae, do adolescentiae, cedo amicitiae, tribuo parenti. Sed nisi tibi aliquem modum tute constitueris, coges me oblitum nostrae amicitiae habere rationem meae dignitatis. Nemo umquam me tenuissima suspicione perstrinxit quem non perverterim ac perfregerim. Sed mihi hoc credas velim : non iis libentissime soleo respondere quos mihi videor facillime posse superare.
- 47 Tu quoniam minime ignoras consuetudinem dicendi

your friends ? Though your voice was never heard, though you were silent and uttered no word when the information was read, copied, published do you now all of a sudden invent so grave a charge, and put yourself in such a position, that before you convict me of tampering with the information, you admit on your own testimony that you are guilty of the greatest negligence ?

XVI Was anyone's safety worth so much to me 45 that I should neglect my own ? Would I sully by my falsehood the truth made clear by my own efforts ? Finally, would I assist anyone who had, as I thought, made and directed such cruel attacks upon the state especially in my own consulship ? But if I had at last forgotten my sternness and my steadfastness, was I nevertheless so bereft of reason as to think that the fresh recollection of all the senate could be refuted by my private notes, when written records had been invented as a protection against oblivion for 46 after generations ? I bear with you, Torquatus, and have long borne with you and sometimes I check and curb my inclination to attack your prosecution bitterly ; I make some allowance for your passion, I concede something to your youth, I sacrifice something to friendship ; I owe some regard to your father But unless you put some measure of restraint on yourself you will impel me to forget our friendship and think of my own dignity. No one has ever brought the slightest suspicion on me whom I did not overturn and overwhelm. But I would wish you to believe this of me : I do not find the greatest pleasure in refuting those persons whom, I think, I can most easily defeat. And since you 47 are least of all ignorant of my method of speaking,

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meam, noli hac lenitate nova abuti mea, noli aculeos orationis meae, qui reconditi sunt, excussos arbitrari, noli id omnino a me putare esse amissum si quid est tibi remissum atque concessum. Cum illae valent apud me excusationes iniuriae tuae, iratus animus tuus, aetas, amicitia nostra, tum nondum statuo te virum satis habere ut ego tecum luctari et congregi debeam. Quodsi esses usu atque aetate robustior, essem idem qui soleo cum sum laceratus; nunc tecum sic agam tulisse ut potius iniuriam quam rettu-  
48 lisse gratiam videar. XVII. Neque vero quid mihi irascere intellegere possum. Si, quod eum defendo quem tu accusas, cur tibi ego non suscenseo, quod accusas eum quem ego defendo? "Inimicum ego," inquis, "accuso meum." Et amicum ego defendo meum. "Non debes tu quemquam in coniurationis quaestione defendere." Immo nemo magis eum de quo nihil est umquam suspicatus quam is qui de aliis multa cogitavit. "Cur dixisti testimonium in alios?" Quia coactus sum. "Cur damnati sunt?" Quia creditum est. "Regnum est dicere in quem velis et defendere quem velis." Immo servitus est non dicere in quem velis et non defendere quem velis. Ac si considerare coeperis utrum magis mihi hoc necesse fuerit facere an istud tibi, intelleges honestius te inimicitiarum modum statuere potuisse quam me  
49 humanitatis. At vero, cum honos agebatur fami-

do not abuse this strange forbearance of mine. Do not think that the sting of my oratory has been extracted. It has been only sheathed ! Do not think that the loss is wholly mine if some indulgence and concession has been made for you. Not only do these excuses for your conduct have weight with me, your hasty temper, your youth, our friendship, but also I am convinced that you are not yet strong enough to make it right for me to wrestle and battle with you. But if you were older and more experienced, then I should act as I usually do when attacked. But as it is I will so deal with you that I shall seem rather to have borne an injustice than to have returned a favour.

XVII Nor indeed can I understand why you are 48 angry with me. If it is because I am defending the man you are accusing, why am I not angry with you because you are accusing the man whom I am defending ? You say, " I am accusing a personal enemy." Well, I am defending my friend. " You should not defend anyone accused of conspiracy." Nay, rather, no one should be more ready to defend a man who was never even suspected, than he who has had many a suspicious thought about others. " Why did you give evidence against others ? " Because I was constrained to do so. " Why were they convicted ? " Because the charges were believed. " It is tyrannical to speak against whomever you wish, and to defend whomever you wish." Nay, rather, it is slavish to fail to speak against whomever you wish, and to fail to defend whomever you wish. And if you begin to consider whether it was more necessary for me to act as I did or you as you did, you will understand that you could have limited your enmities more honourably than I could my kindness. But indeed 49



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liae vestrae amplissimus, hoc est consulatus parentis tui, sapientissimus vir familiarissimis suis non susceperat, pater tuus, cum Sullam et defenderent et laudarent? Intellegebat hanc nobis a maioribus esse traditam disciplinam ut nullus amicitia ad pericula propulsanda impediremur. At erat huic iudicio longe dissimilis illa contentio. Tum afflicto P. Sulla consulatus vobis pariebatur, sicuti partus est; honoris erat certamen; ereptum repetere vos clamitabatis, ut victi in campo in foro vinceretis; tum qui contra vos pro huius salute pugnabant, amicissimi vestri, quibus non irascebamini, consulatum vobis eripiebant, honori vestro repugnabant, et tamen id inviolata vestra amicitia, integro officio, vetere exemplo atque instituto  
 50 optimi cuiusque faciebant. XVIII. Ego vero quibus ornamentis adversor tuis aut cui dignitati vestrae repugno? Quid est quod iam ab hoc expetas? Honos ad patrem, insignia honoris ad te delata sunt. Tu ornatus exuviis huius venis ad eum lacerandum quem interemisti, ego iacentem et spoliatum defendo et protego. Atque hic tu et reprehendis me quia defendam et irascaris; ego autem non modo tibi non irascor sed ne reprehendo quidem factum tuum. Te enim existimo tibi statuisse quid

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<sup>a</sup> The election where Torquatus the elder had been defeated was held in the Campus Martius, the trial of Sulla for bribery in the forum.

when your family's most distinguished honour was at stake—that is, your father's consulship—that wise man, your father, surely he was not angry with his intimate friends when they defended and praised Sulla? He knew that it was a custom inherited from our ancestors that no man's friendship should prevent one from pleading a case for the defence. But that dispute was very unlike this trial. Then, if Publius Sulla were disqualified, the consulship would be your father's, as it subsequently was; it was a contest for an office. You both went about crying, "Stop thief!" and demanding your lost property in order that after being defeated in the Campus Martius you might be victorious in the forum<sup>a</sup>. Then those who strove against you in his defence, your best friends, with whom you were not angry, were trying to deprive you of the consulship, they were trying to keep you from an honour that was yours, and still they were doing this without forfeiting your friendship, without breach of obligation, following the old precedent and principle of all honourable men. XVIII. But as 50 for me, what distinction of yours am I opposing, what honour of yours do I begrudge? What is it you are expecting to get from this? The office was given to your father, the insignia of office to you. You, adorned with his spoils, are now coming to mutilate the man you have killed; I am defending and protecting him as he lies prostrate with his arms. And here you are blaming me. I defend him, and you are angry. On the other hand, I not only am not angry with you, but I do not even blame you for what you have done. For I am certain that you have determined what course of action you think you should follow and

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faciendum putares et satis idoneum officii tui iudicem esse<sup>1</sup> potuisse.<sup>2</sup>

- 51 At accusat C.<sup>3</sup> Corneli filius, et id aequae valere debet ac si pater indicaret. O patrem Cornelium sapientem qui, quod praemii solet esse in indicio, reliquerit, quod turpitudinis in confessione, id per accusationem filii susceperit<sup>1</sup> Sed quid est tandem quod indicat per istum puerum Cornelius<sup>2</sup> Si vetera, mihi ignota, cum Hortensio communicata, respondit<sup>4</sup> Hortensius; sin, ut ais, illum conatum Autroni et Catilinae, cum in campo consularibus comitus, quae a me habita sunt, caedem facere voluerunt, Autonium tum in campo vidimus—sed quid dixi vidisse nos? Ego vidi; vos enim tum, iudices, nihil laborabatis neque suspicabamini, ego tectus praesidio firmo amicorum Catilinae tum et Autroni copias et conatum
- 52 repressi. Num quis est igitur qui tum dicat in campum aspirasse Sullam? Atqui, si tum se cum Catilina societate sceleris coniunxerat, cur ab eo discedebat, cur cum Autronio non erat, cur in pari causa non paria signa criminis reperiuntur? Sed quoniam Cornelius ipse etiam nunc de indicando dubitat, ut dicitis, informat ad hoc adumbratum indicium filium, quid tandem de illa nocte dicit, cum inter falcarios ad

<sup>1</sup> esse added by Halm.

<sup>2</sup> potuisse the reading of Cod. Tegernseensis: the other mss. read posuisse. Clark reads esse potuisse: Kasten, posuisse.

<sup>3</sup> C. added in the Venice edition.

<sup>4</sup> the attractive reading respondeat has the authority of only one inferior ms

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<sup>a</sup> A son of the conspirator Gaius Cornelius

<sup>b</sup> If his father, the conspirator C. Cornelius, had turned

that you have found yourself able to be a quite competent judge of your own duty

But the son of Gaius Cornelius <sup>a</sup> is accusing him, 51 and this should have as much weight as if his father had given testimony against him! A wise father indeed, who has forgone the reward usually given for information, and by the accusation his son is bringing, has gained all the odium involved in a confession! <sup>b</sup> But what, pray, is the accusation which Cornelius makes through this precious son of his? If they are old charges, unfamiliar to me but communicated to Hortensius, Hortensius has answered them; but if, as you say, it is that attempt of Autronius and Catiline, when they wanted to perpetrate a massacre in the Campus Martius at the consular elections which I held, on that occasion we saw Autronius in the Campus Martius. But why did I say "we saw"? I saw. For at that time you, gentlemen, felt no anxiety nor any suspicion. I, protected by a staunch guard of friends, on that occasion checked the forces and the effort of Catiline and Autronius. And so there is no one, is there. 52 who says that Sulla even came near the Campus Martius at that time? And yet if he had associated himself with Catiline in a conspiracy of crime, why did he desert him, why was he not with Autronius? If the case was the same, why was not the same evidence of guilt discovered? But since Cornelius himself is even now doubtful about giving information, as you say, and is priming his son for this shadowy evidence, what, pray, does he say of that night when

state's evidence he would have received a reward. The disclosures which his son made in his prosecution of Sulla amounted to an indictment of his own father.

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M. Laecam nocte ea quae consecuta est posterum diem Nonarum Novembrium me consule Catilinae denuntiatione venit <sup>2</sup> quae nox omnium temporum conuiationis acerrima fuit atque acerbissima Tum Catilinae dies exeundi, tum ceteris manendi condicio, tum discriptio totam per urbem caedis atque incendiorum constituta est; tum tuus pater, Corneli, id quod tandem aliquando confitetur, illam sibi officiosam provinciam depoposcit ut, cum prima luce consulem salutatum veniret, intromissus et meo more et iure amicitiae me in meo lectulo trucidaret

- 53 XIX Hoc tempore, cum arderet acerrime coniuratio, cum Catilina egrederetur ad exercitum, Lentulus in urbe relinqueretur, Cassius incendiis, Cethegus caedi praeponeretur, Autronio ut occuparet Etruriam praescriberetur, cum omnia ordinarentur, instruerentur, pararentur, ubi fuit Sulla, Corneli <sup>2</sup> Num Romae <sup>2</sup> Immo longe afuit Num in iis regionibus quo se Catilina inferebat <sup>2</sup> Multo etiam longius. Num in agro Camerti, Piceno, Gallico, quas in oras maxime quasi morbus quidam illius furoris pervaserat <sup>2</sup> Nihil vero minus Fuit enim, ut iam ante dixi, Neapoli, fuit in ea parte Italiae quae maxime ista suspicione
- 54 caruit. Quid ergo indicat aut quid adfert aut ipse Corneli aut vos qui haec ab illo mandata defertis <sup>2</sup> Gladiatores emptos esse Fausti simulatione ad caedem ac tumultum? "Ita prorsus; interpositi sunt

he came on Catiline's invitation to the house of Marcus Laeca in the Street of the Scythe-makers, the night of November 6 in my consulship ? This night was the cruellest and most heartless during the whole conspiracy. Then were determined the day of Catiline's departure, the conditions under which the others remained, the division of the whole city into sections for murder and arson. Then your father, Cornelius—as he will some day at last confess—demanded as his share the very responsible duty of murdering me in my bed when he came to pay his respects to the consul at daybreak and when he had been admitted in accordance with my custom and his rights as a friend

XIX At this time, when the flame of the con- 53  
spiracy was at its height, when Catiline was going out to his army, Lentulus was left in the city, Cassius was in charge of the arson and Cethegus of the massacre, when Autronius was ordered to occupy Etruria, when everything was set in order, arranged, prepared, where, Cornelius, was Sulla ? He was not at Rome, was he ? No, far away. He was not in the districts to which Catiline was going, was he ? No, even farther away than that. Nor was he in the districts of Camerinum, Picenum, Gaul—districts which had been especially infected by the contagion, one may say, of that madness ? Nothing is farther from the fact than that. For he was, as I said before, at Naples. He was in that part of Italy which was especially free from that suspicion. What charge, 54  
then, or what information, is offered either by Cornelius himself or by you who are bringing these messages from him ? These gladiators were purchased for murder and riot on a pretence that they were furnished for Faustus ? “ Exactly so., Gladiators were

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- gladiatores." Quos testamento patris deberi videmus "Adrepta est familia. Quae si esset praetermissa, posset alia familia Fausti munus praebere." Utinam quidem haec ipsa non modo iniquorum invidiae sed aequorum expectationi satis facere posset! "Properatum vehementer est, cum longe tempus muneris abesset" Quasi vero tempus dandi muneris non valde appropinquaret "Nec opinante Fausto, cum is neque sciret neque vellet, familia est  
55 comparata" At litterae sunt Fausti, per quas ille precibus a P. Sulla petit ut emat gladiatores et ut hos ipsos emat, neque solum ad Sullam missae sed ad L. Caesarem, Q. Pompeium, C. Memmium, quorum de sententia tota res gesta est. "At praefuit familiae Cornelius, libertus eius.<sup>1</sup>" Iam si in paranda familia nulla suspicio est, quis praefuerit nihil ad rem pertinet; sed tamen munere Servi ille obtulit se ad feramenta prospicienda, praefuit vero numquam, eaque res omni tempore per Bellum, Fausti libertum, administrata est.
- 56 XX. "At enim Sittius est ab hoc in ulteriorem Hispaniam missus ut eam provinciam perturbaret." Primum Sittius, iudices, L. Iulio C. Figulo consulibus profectus est aliquanto ante furorem Catilinae et suspicionem huius coniurationis; deinde est profectus non tum primum sed cum in isdem locis aliquanto ante eadem de causa aliquot annos fuisset, ac profectus est non modo ob causam sed etiam ob necessariam causam, magna ratione cum Mauretaniae rege con-

<sup>1</sup> libertus eius *supplied by Clark.*

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<sup>a</sup> *i.e.* the Servius Sulla mentioned in Sect. 6.

<sup>b</sup> 64 B.C.

intruded." But we see that they were required by Sulla's father's will "A company was engaged in haste; but if he had not taken that one, another could have performed Faustus's games for him." My only wish is that this troop could have satisfied, I will not say the envy of his enemies, but even the desires of reasonable people "He made great haste, though the time of the games was far off." As if the time for giving the games was not really very near. "And the troop was collected without consulting Faustus, he did not even know of it nor wish it." But there are letters of Faustus in which he 55 earnestly asked Publius Sulla to purchase gladiators—and even this particular troop. These letters were sent not only to Sulla but to Lucius Caesar, Quintus Pompeius, Gaius Memmius, and by their advice the whole affair was conducted. "But, Cornelius, his freedman, took charge of the troop" Now if no suspicion attaches to hiring the troop, it makes no difference who commands it; but, as a matter of fact, Cornelius offered his services for providing weapons with the permission of Servius,<sup>a</sup> he never was in command, during the whole time the affair was in the hands of Bellus, a freedman of Faustus.

XX. "But Sittius was sent by him to further Spain 56 to raise trouble in that province." In the first place, gentlemen, Sittius set out when Lucius Julius and Gaius Figulus were consuls,<sup>b</sup> some time before the madness of Catiline and any suspicion of this conspiracy. In the second place, this was not his first journey, but he had been several years before in the same place for the same reason, and he went, not only for a reason, but for a very necessary reason—a very important contract with the king of Mauretania.



tracta Tum autem, illo profecto, Sulla procurante eius rem et gerente plurimis et pulcherrimis P Sitti praedus venditis aes alienum eiusdem est<sup>1</sup> dissolutum, ut, quae causa ceteros ad facinus impulit, cupiditas retinendae possessionis, ea Sittio non fuit  
 57 praedus deminutis Iam vero illud quam incredibile, quam absurdum, qui Romae caedem facere, qui hanc urbem inflammare vellet, eum familiarissimum suum dimittere ab se et amandare in ultimas terras ! Utrum quo facilius Romae ea quae conabatur efficeret, si in Hispania turbatum esset ? At haec ipsa per se sine ulla coniunctione agebantur. An in tantis rebus, tam novis consiliis, tam periculosis, tam turbulentis hominem amantissimum sui, familiarissimum, coniunctissimum officio, consuetudine, usu dimittendum esse arbitrabatur ? Veri simile non est ut, quem in secundis rebus, quem in otio secum semper habuisset, hunc in adversis et in eo tumultu quem ipse comparabat ab se dimitteret.

58 Ipse autem Sittius—non enim mihi deserenda est causa amici veteris atque hospitis—is homo est aut ea familia ac disciplina ut hoc credi possit, eum bellum populo Romano facere voluisse ? Ut, cuius pater, cum ceteri deficerent finitimi ac vicini, singulari exstiterit in rem publicam nostram officio et fide, is sibi nefarium bellum contra patriam suscipiendum putaret ? Cuius aes alienum videmus, iudices, non libidine, sed negotii gerendi studio esse contractum, qui ita Romae debuit ut in provinciis et in regnis ei maximae pecuniae deberentur ; quas cum

<sup>1</sup> est supplied by Angelus.

Moreover, after Sittius had gone, Sulla, who had charge of his property and was managing it, sold many of his finest estates and liquidated his debts ; so that the reason which drove others to crime—the desire to keep their possessions—did not exist for Sittius, because his property had been reduced. How incredible, how absurd it is, that a man who wished to undertake a massacre at Rome, to burn this city, should dismiss his most intimate friend and send him away to the ends of the earth ! Was it that he might more easily accomplish his purpose at Rome if there was an uprising in Spain ? But that very thing was taking place of itself without any connexion. Or is it conceivable that in such a crisis, in the midst of designs so new, so dangerous and so confused, he would think it best to dismiss a man so devoted to him, so dear a friend, bound to him by obligation, custom, and habit ? It is not likely that in troubles and in the midst of an insurrection which he himself was preparing, he would part with a man whom in good fortune and peace he always kept with him.

But Sittius himself—for I must not abandon the cause of an old friend and guest—is the character of the man such, or his family or his training, that it is credible he would have wished to make war on the Roman people ? His father, when the rest, his borderers and neighbours in the district, revolted, remained uncompromisingly loyal and faithful to our state ; would the son think that a deadly war should be undertaken against his country ? His debts we see, gentlemen, were incurred, not in vice, but in the pursuit of business. He was in debt at Rome, but in the provinces and the kingdoms very great sums were owing to him. When he was collecting these he

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peteret, non commisit ut sui procuratores quicquam oneris absente se sustinerent; venire omnis suas possessiones et patrimonio se ornatissimo spoliari maluit quam ullam moram cuiquam fieri creditorum suorum

59 A quo quidem genere, iudices, ego numquam timui, cum in illa rei publicae tempestate versarer. Illud erat hominum genus horribile et pertimescendum qui tanto amore suas possessiones amplexi tenebant ut ab us membra citius divelli ac distrahi posse diceres. Sittius numquam sibi cognationem cum praediis esse existimavit suis. Itaque se non modo ex suspicione tanti sceleris verum etiam ex omni hominum sermone non armis, sed patrimonio suo vindicavit.

60 XXI. Iam vero quod obiecit Pompeianos esse a Sulla impulsos ut ad istam coniurationem atque ad hoc nefarium facinus accederent, id cuius modi sit intellegere non possum. An tibi Pompeiani coniurasse videntur? Quis hoc dixit umquam, aut quae fuit istius rei vel minima suspicio? "Diiunxit," inquit, "eos a colonis ut hoc discidio ac dissensione facta oppidum in sua potestate posset per Pompeianos habere." Primum omnis Pompeianorum colonorumque dissensio delata ad patronos est, cum iam inveterasset ac multos annos esset agitata; deinde ita a patronis res cognita est ut nulla in re a ceterorum sententiis Sulla dissenserit; postremo coloni ipsi sic intellegunt, non Pompeianos a Sulla magis quam sese  
61 esse defensos. Atque hoc, iudices, ex hac frequentia

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<sup>a</sup> Military colonists settled at Pompeii by the dictator Sulla.

<sup>b</sup> Of whom Publius Sulla was one. The "patrons" were distinguished Romans living at Pompeii. They were honorary members of the local senate and sometimes acted, as here, in the capacity of arbitrators.

did not allow his agents to become embarrassed in any way by his absence ; he preferred to have all his possessions sold and to be deprived of a very fine patrimony, rather than impose delay on his creditors. I had no fear of that class of men when I was involved 59 in the storm that broke upon the state. That class of men was a cause of horror and fear who embraced their possessions and clung to them with such passion that you would have said they could more easily be robbed and stripped of their limbs. Sittius never thought his estates were his blood relations. So he not only protected himself against the suspicion of so great a crime, but even against all the idle talk of men, not by arms, but at the expense of his patrimony.

XXI Now, as to his charge that Sulla instigated 60 the people of Pompeii to join that conspiracy and that heinous crime, I cannot understand what that charge means. Do you think that the people of Pompeii conspired ? Who ever said this, or was there even the least suspicion of such a thing ? " Sulla separated them," he says, " from the colonists,"<sup>a</sup> that through the people of Pompeii he might be able to get the town into his power after this dissension and disunion had been brought about." In the first place, the whole quarrel between the people of Pompeii and the colonists was reported to the patrons<sup>b</sup> after it had already become chronic and had continued for many years. In the second place, when an investigation was conducted by the patrons, the conclusions of the others differed not at all from Sulla's opinions. Finally, the colonists themselves knew that Sulla was defending them quite as earnestly as the people of Pompeii. And this, gentlemen, you can infer from 61

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colonorum, honestissimorum hominum, intellegere potestis, qui adsunt, laborant, hunc patronum, defensorem, custodem illius coloniae si in omni fortuna atque omni honore incolumem habere non potuerunt, in hoc tamen casu in quo afflictus iacet per vos iuvam conservarique cupiunt. Adsunt pari studio Pompeiani, qui ab istis etiam in crimen vocantur; qui ita de ambulatione ac de suffragiis suis cum colonis dissenserunt, ut idem de communi salute sentirent.

62 Ac ne haec quidem P. Sullae mihi videtur silentio praetereunda esse virtus, quod, cum ab hoc illa colonia deducta sit, et cum commoda colonorum a fortunis Pompeianorum rei publicae fortuna diunxerit, ita carus utrisque est atque iucundus ut non alteros demovisse sed utrosque constituisse videatur

XXII. At enim et gladiatores et omnis ista vis rogationis Caeciliae causa comparabatur. Atque hoc loco in L. Caecilium, pudentissimum atque ornatissimum virum, vehementer invectus est. Cuius ego de virtute et constantia, iudices, tantum dico, talem hunc in ista rogatione quam promulgarat non de tollenda, sed de levanda calamitate fratris sui fuisse ut consulere voluerit fratri, cum re publica pugnare noluerit; promulgarit impulsus amore fraterno, desti-  
63 terit fratris auctoritate deductus. Atque in ea re per L. Caecilium Sulla accusatur in qua re est uterque

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<sup>a</sup> The consulship of which he was deprived by the prosecution of Torquatus.

<sup>b</sup> There was constant quarrelling between the people of Pompeii and the soldiers of Sulla who had been settled there.

<sup>c</sup> Lucius Caecilius—Sulla's half-brother—had proposed a law to relieve Sulla and Autronius of part of their punishment.

<sup>d</sup> Sulla forbade Caecilius to press the vote on the law, seeing doubtless that its passage was impossible.

this large crowd of colonists here present who are most honourable men. In behalf of this patron, the defence and guard of that colony, even if they could not save all his fortune and honour,<sup>a</sup> they are earnestly desirous that at least he may be helped and preserved through you in this misfortune under which he lies prostrate. The people of Pompeii are present with equal enthusiasm. They have also been summoned by the prosecutors to stand trial. Though they disagree with the colonists about promenades and votes,<sup>b</sup> they have the same idea about the common safety. And I do not <sup>62</sup> think that I should pass over in silence this achievement of Publius Sulla. For though he himself established the colony and though the needs of the state caused the interests of the colonists to disagree with the fortunes of the people of Pompeii, he is so popular with both parties and so acceptable to them that he is thought not to have dispossessed one class but to have established the prosperity of both.

XXII "But both the gladiators and all that force were got together because of the proposed bill of Caccilius <sup>c</sup>." And on this charge he has bitterly attacked Lucius Caecilius, who is an honourable and distinguished man. Of his virtue and loyalty, gentlemen, I will only say that in this bill, which he proposed, not to terminate, but to mitigate his brother's misfortune, he proved to be a man who wished to assist his brother though he was unwilling to oppose the state; though he proposed the bill under the influence of love for his brother, he refused to press its passage out of deference to his brother's advice.<sup>d</sup> And in that matter Sulla is accused through Caecilius <sup>63</sup>—an action for which each deserved to be praised.

laudandus. Primum Caecilius; qui id promulgavit in quo res iudicatas videbatur voluisse rescindere, ut restitueretur Sulla; recte reprehendis; status enim rei publicae maxime iudicatis rebus continetur; neque ego tantum fraterno amori dandum arbitror ut quisquam, dum salutem suorum consulat, communem relinquat. At<sup>1</sup> nihil de iudicio ferebat, sed poenam ambitus eam referebat quae fuerat nuper superioribus legibus constituta. Itaque hac rogatione non iudicum sententia, sed legis vitium corrigebatur. Nemo iudicium reprehendit, cum de poena queritur, sed legem. Damnatio est enim iudicum, 64 quae manebat, poena legis, quae levabatur. Noli igitur animos eorum ordinum qui praesunt iudiciis summa cum gravitate et dignitate alienare a causa. Nemo labefactare iudicium est conatus, nihil est eius modi promulgatum, semper Caecilius in calamitate fratris sui iudicum potestatem perpetuandam, legis acerbiteratem mitigandam putavit. XXIII. Sed quid ego de hoc plura disputem? Dicerem fortasse, et facile et libenter dicerem, si paulo etiam longius quam finis cotidiani officii postulat L. Caecilium pietas et fraternus amor propulsset, implorarem sensus vestros, unius cuiusque indulgentiam in suos testarer, peterem veniam errato L. Caecili ex intimis vestris 85 cogitationibus atque ex humanitate communi. Lex

\* <sup>1</sup> at Orelli's addition.

\* Senators, knights, and tribunes of the treasury.

First Caecilius : he made a proposal in which he seemed to desire to repeal legal precedents in order that Sulla might be restored. You do right to condemn that. For the stability of the state most of all depends on legal precedents—and I do not think that anyone should be so far influenced by love of a brother that he would neglect the common safety to care for the safety of his own relatives. But he proposed nothing about the legal decision, he only raised the question of that punishment for bribery which has lately been established by recent laws. And so, by this proposal, not a decision of the court, but a defect in the law was being amended. No one is questioning the validity of a legal decision when he objects to a penalty, but he is questioning the law. Conviction depends on the judges—it was retained ; the penalty depends on the law, which was being relaxed. Do not, then, alienate from our case the sympathy of those orders<sup>a</sup> which preside over the courts with the greatest prestige and dignity. No one has tried to undermine the decision of a court. No proposal of that kind has been made. Caecilius when his brother was in trouble always thought that the power of the judges should be upheld, the severity of the law mitigated. XXIII. But why should I discuss this farther? I should have spoken perhaps, and I should have spoken readily and gladly, if affection and brotherly love had driven Lucius Caecilius even a little farther than the scope of ordinary obligation demands. I should have appealed to your feelings, I should call to witness the partiality of each man for his friends, I should beg you in the name of your deepest feeling and your common humanity to pardon the mistake of Lucius Caecilius. The law lay open for discussion for



- dies fuit proposita paucos, ferri coepta numquam, deposita est in senatu Kalendis Ianuarius cum in Capitolium nos senatum convocassemus, nihil est actum prius, et id mandatu Sullae Q Metellus praetor se loqui dixit Sullam illam rogationem de se nolle ferri Ex illo tempore L. Caecilius egit de re publica multa; agrariae legi, quae tota a me reprehensa et abiecta est, se intercessorem fore professus est, improbis laegitionibus restitit, senatus auctoritatem numquam impedivit, ita se gessit in tribunatu ut onere deposito domestici officii nihil postea nisi de rei  
 66 publicae commodis cogitavit Atque in ipsa rogatione ne per vim quid ageretur, quis tum nostrum Sullam aut Caecilium verebatur? Nonne omnis ille terror, omnis seditionis timor atque opinio ex Autroni improbitate pendebat? Eius voces, eius minae ferebantur, eius aspectus, concursatio, stipatio, greges hominum perditorum metum nobis seditionesque adferebant Itaque P. Sulla hoc importunissimo cum honore tum etiam calamitatis socio atque comite et secundas fortunas amittere coactus est et in adversis sine ullo remedio atque adlevamento permanere  
 67 XXIV Hic tu epistulam meam saepe recitas quam ego ad Cn Pompeium de meis rebus gestis et de summa re publica misi, et ex ea crimen aliquod in P. Sullam quaeris et, si furorem incredibilem biennio ante conceptum erupisse in meo consulatu scripsi, me hoc demonstrasse dicis, Sullam in illa fuisse superiore comuratione. Scilicet ego is sum qui existi-

<sup>a</sup> As tribune of the people.

<sup>b</sup> Publius Servilius Rufus proposed that all public land should be distributed among the people and that more should be bought for the same purpose. Cicero opposed this measure in three speeches of which only one survived entire and the other two in part.

only a few days, it was never offered for enactment, it was killed in the senate. When we had convened the senate on January first in the Capitol, nothing took precedence of this ; and Quintus Metellus, the praetor, said that he was speaking under instructions from Sulla and that Sulla was unwilling to have his proposal about himself brought to a vote. Since that time Lucius Caecilius has done many things for the state ; he said that he would put his veto <sup>a</sup> on the agrarian law <sup>b</sup> which I utterly condemned and repudiated ; he opposed immoderate doles, he never hampered the authority of the senate, he so conducted himself in the tribunate that neglecting the obligations of his private affairs he thought of nothing except the welfare of the state. And in the matter of this proposed bill, who of us at the time feared that violence might be used by Sulla or Caecilius ? Did not all that terror and fear and expectation of rebellion arise from the wickedness of Autronius ? *His* utterances, *his* threats were bandied about. *His* appearance, *his* crowds, *his* followers, *his* gangs of ruffians, these brought on us terror and disorder. And so Publius Sulla, with this most ill-omened man as his ally and comrade in honour and misfortune, was compelled, not only to forfeit his prosperity, but also to abide in misfortune without any remedy or alleviation.

XXIV. Now you are continually citing the letter which I sent to Gnaeus Pompey about my own doings and about high politics, and from it you are trying to deduce an accusation against Publius Sulla. And if I wrote in that letter that an unheard-of madness, conceived two years earlier, had broken out in my consulship, you say that by this I have affirmed that Sulla was in the earlier conspiracy. Of course, I am one

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mem Cn. Pisonem et Catilinam et Vargunteum et Autronium nihil scelerate, nihil audacter ipsos per sese  
 68 sine P. Sulla facere potuisse De quo etiamsi quis dubitasset ante num<sup>1</sup> id quod tu arguis cogitasset, ut interfecto patre tuo consul descenderet Kalendis Ianuariis cum hectoribus, sustulisti hanc suspicionem, cum dixisti hunc, ut Catilinam consulem efficeret, contra patrem tuum operas et manum comparasse. Quod si tibi ego confitear, tu mihi concedas necesse est hunc, cum Catilinae suffragaretur, nihil de suo consulatu, quem iudicio amiserat, per vim recuperando cogitavisse. Neque enim istorum facinorum tantorum, tam atrocium crimen, iudices, P. Sullae persona suscipit.

69 Iam enim faciam criminibus omnibus fere dissolutis, contra atque in ceteris causis fieri solet, ut nunc denique de vita hominis ac de moribus dicam. Etenim de principio studuit animus occurrere magnitudini criminis, satis facere expectationi hominum, de me aliquid ipso qui accusatus eram dicere; nunc iam revocandi estis eo quo vos ipsa causa etiam tacente me cogit animos mentesque convertere.

XXV. Omnibus in rebus, iudices, quae graviores maioresque sunt, quid quisque voluerit, cogitarit, admiserit, non ex crimine, sed ex moribus eius qui arguitur est ponderandum. Neque enim potest quisquam nostrum subito<sup>2</sup> fingi neque cuiusquam  
 70 repente vita mutari aut natura converti. Circum-

<sup>1</sup> num *the reading of the MSS. Kasten reads an un<quam>: Clark an.*

who thinks that Gnaeus Piso and Catiline and Vargunteius and Autronius could of themselves have undertaken nothing of a criminal nature, nothing bold, without Publius Sulla! Even if anyone had before this been in doubt about Sulla, as to whether he had thought of the thing with which you charge him—namely that after your father was killed he might parade on the first of January as consul with his lictors, you removed that suspicion when you said that he had collected hielings and forces against your father in order that he might make Catiline consul. And if I grant this, then you must admit to me that Sulla when, as you maintain, he was supporting Catiline, had no thought of regaining the consulship by force which he had lost by the decision of the courts. And indeed, gentlemen, the character of Publius Sulla does not admit an accusation of crimes so great and so dastardly.

For now that almost all the charges have been disposed of, I shall follow a procedure different from that usually adopted in other cases, and speak now at the last of the life of the man and his character. For at the beginning my desire was to grapple with the enormity of the accusation, to satisfy men's expectations, to say something in my own behalf—for I had been accused. Now you must return to the point to which even if I were silent the case itself would direct your thoughts and attention.

XXV. In all matters, gentlemen, that are of greater weight and importance, what anyone has wished, thought, or done must be judged by the character of the accused, not by the accusations, against him. For no one of us can be fashioned in a moment, nor can a man's life be suddenly changed or his nature

## CICERO

spicite paulisper mentibus vestris, ut alia mittamus, hosce ipsos homines qui huic adfines scelesti fuerunt Catilina contra rem publicam coniuravit. Cuius aures umquam hoc respuerunt conatum esse audacter hominem a pueritia non solum intemperantia et scelere sed etiam consuetudine et studio in omni flagitio, stupro, caede versatum? Quis eum contra patriam pugnantem perisse muatur quem semper omnes ad civile latrocinium natum putaverunt? Quis Lentuli societates cum indicibus, quis insaniam libidinum, quis perversam atque impiam religionem recordatur qui illum aut nefarie cogitasse aut stulte sperasse miretur? Quis de C. Cethego atque eius in Hispaniam profectioe ac de vulnere Q. Metelli Pii cogitat cui non ad illius poenam carcer aedificatus esse videatur? Omitto ceteros, ne sit infinitum, tantum a vobis peto ut taciti de omnibus quos coniurasse cognitum est cogitetis; intellegitis unum quemque eorum prius ab sua vita quam vestra suspicione esse damnatum. Ipsum illum Autronium, quoniam eius nomen finitimum maxime est huius periculo et crimini, non sua natura ac vita convicit? Semper audax, petulans, libidinosus; quem in stuprorum defensionibus non solum verbis uti improbissimis solitum esse scimus verum etiam pugnis et calcibus, quem exturbare homines ex possessionibus, caedem facere vicinorum, spoliare fana sociorum,

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<sup>a</sup> Cicero hints that Cethegus went to Spain especially to murder Metellus Pius who was in command against Ser-

altered Picture to yourselves for a moment (to dispense with other illustrations) these men who were associated with this crime Catiline conspired against the state. Whose ears ever refused to believe the charge that the man had attempted this shameless deed who from boyhood had been led to every form of crime, debauchery, and murder, not only by his self-indulgence and criminality, but also by his habits and desires? Who wonders that he fell fighting against his country who, as everyone always believed, was born for civil brigandage? Who that remembers Lentulus's association with spies, his insane passions, his depraved and godless superstition, marvels either at his wicked plans or his rash hopes? Who that thinks of Gaius Cethegus<sup>a</sup> and of his journey to Spain, and of his assault on Quintus Metellus Pius, does not believe our prison was built especially to punish crime like his? I omit the others or else the task will be endless. I only ask of you that you call to mind silently all those who are known to have joined the conspiracy. You will see that every one of them was condemned by his own life before he was condemned by your suspicion. Autronius himself, whose name is most closely connected with this trial and accusation of Sulla, is he not convicted by his own nature and life? Ever bold, quarrelsome, lustful. In defence of licentiousness, we know that he was wont to use not only most foul language but also his fists and his feet. We know that he turned men out of their possessions, that he murdered his neighbours, that he despoiled the shine of the allies, trying to break

to him. There is no other evidence for this. Cethegus was executed with the other conspirators in the Tullianum, the famous subterranean prison at Rome.

vi conantem<sup>1</sup> et armis disturbare iudicia, in bonis rebus omnis contemnere, in malis pugnare contra bonos, non rei publicae cedere, non fortunae ipsi succumbere. Huius si causa non manifestissimis rebus teneretur, tamen eum mores ipsius ac vita convinceret.

- 72 XXVI. Agedum, conferte nunc cum illius vita P. Sullae vobis populoque Romano notissimam, iudices, et eam ante oculos vestros proponite. Ecquod est huius factum aut commissum non dicam audacius, sed quod cuiquam paulo minus consideratum videretur? Factum quaero; verbum ecquod umquam ex ore huius excidit in quo quisquam posset offendi? At vero in illa gravi L. Sullae turbulentaque victoria quis P. Sulla mitior, quis misericordior inventus est? Quam<sup>2</sup> multorum hic vitam est a L. Sulla deprecatus! Quam multi sunt summi homines et ornatisimi et nostri et equestris ordinis quorum pro salute se hic Sullae obligavit! Quos ego nominarem—neque enim ipsi nolunt et huic animo gratissimo adsunt—; sed, quia maius est beneficium quam posse debet civis civi dare, ideo a vobis peto ut quod potuit, tempori
- 73 tribuatis, quod fecit, ipsi. Quid reliquam constantiam vitae commemorem, dignitatem, liberalitatem, moderationem in privatis rebus, splendorem in publicis? quae ita deformata sunt a fortuna ut tamen a natura inchoata compareant. Quae domus, quae celebratio cotidiana, quae familiarium dignitas, quae studia amicorum, quae ex quoque ordine multitudo! Haec diu multumque et multo labore quaesita

<sup>1</sup> vi conantem, is *Kasten's suggestion for the MSS.* nī et conatum. *I have rejected Kasten's other suggestion. His text reads fana sociorum <vidimus, quem> vi conantem.*

<sup>2</sup> quam supplied from *Gellius*, vii. 16. 6.

up the courts by violence and armed force, that in prosperity he despised everybody, in adversity he fought against honest men, that he rendered no obedience to the state nor yielded to fortune itself. Even if his case was not determined by the clearest of evidence, still his habits and life would convict him

XXVI Come now, and compare with his life the life of Publius Sulla, so well known to you, gentlemen, and to the Roman people Place it before your eyes. Is there any deed, any act of his that is, I will not say audacious, but that would seem to anyone even slightly impudent? I say an act, but did any word ever fall from his lips at which anyone could take offence? Indeed in that terrible and tempestuous victory of Lucius Sulla <sup>a</sup> who was found more mild or merciful than Publius Sulla? How many lives did he beg from Lucius Sulla! How many influential and distinguished men of our order and of equestrian rank there are, whose safety was secured because he went surety to Sulla for them! I might name them—for they are themselves not unwilling, and they are here most gratefully disposed toward him—but since the benefaction is greater than one citizen should be able to confer on another, I ask you to attribute his power to circumstances, his use of it to himself. Why should I call to mind the steadfastness exhibited in the rest of his life, his distinction, his generosity, his simplicity in private life, his magnificence in office? These have been marred by fortune, but still the foundations laid by nature may be seen. What a house, what daily throng of visitors, what distinguished friends, what devoted companions, what a multitude from every rank! All this, acquired by long and

<sup>a</sup> The dictator.



## CICERO

una eripuit hora. Accepit P. Sulla, iudices, vulnus  
vehemens et mortiferum, verum tamen eius modi  
quod videretur huius vita et natura accipere potuisse.  
Honestatis enim et dignitatis habuisse nimis magnam  
iudicatus est cupiditatem; quam si nemo alius habuit  
in consulatu petendo, cupidior iudicatus est hic fuisse,  
quam ceteri. sin etiam in aliis nonnullis fuit iste  
consulatus amor, fortuna in hoc fuit fortasse gravior  
74 quam in veteris. Postea vero quis P. Sullam nisi  
maerentem, demissum afflictumque vidit, quis um-  
quam est suspicatus hunc magis odio quam pudore  
hominum aspectum lucemque vitare? Qui cum  
multa haberet invitamenta urbis et fori propter  
summa studia amicorum, quae tamen ei sola in malis  
restiterunt, afuit ab oculis vestris et, cum lege retine-  
retur, ipse se exsilio paene multavit. XXVII. In hoc  
vos pudore, iudices, et in hac vita tanto scelere locum  
fuisse creditis? Aspicite ipsum, contuemini os, con-  
ferte crimen cum vita, vitam ab initio usque ad hoc  
75 tempus explicatam cum crimine recognoscite. Mitto  
rem publicam, quae fuit semper Sullae carissima;  
hosne amicos, tales viros, tam cupidos sui, per quos  
res eius secundae quondam erant ornatae, nunc sub-  
levantur adversae, crudelissime perire voluit, ut cum  
Lentulo et Catilina et Cethego foedissimam vitam  
ac miserrimam turpissima morte proposita degret?  
Non, inquam, cadit in hos mores, non in hunc pudor-  
em, non in hanc vitam, non in hunc hominem ista

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<sup>a</sup> i. e. accusations of bribery were so common that such a charge against Sulla was not surprising.

<sup>b</sup> i. e. his competitors, who had secured the consulship after he was disqualified.

earnest labour, one hour destroyed Publius Sulla received, gentlemen, a deep and deadly wound, but still such a wound as is likely to be dealt to a life and nature like his.<sup>a</sup> For he was adjudged to have had too great a desire for dignity and office, if no one else had this ambition in standing for the consulship, then he was adjudged more ambitious than the others; but if this passion for the consulship existed in some of the others,<sup>b</sup> then perhaps fortune was more unkind to him than to them. But afterward, who ever saw Publius Sulla except sorrowing, discouraged, despondent, who ever suspected that he was avoiding the sight of men and the light of day because of hatred and not because of modesty? Though there were many attractions for him in the city and the forum because of the great devotion of his friends to him, which alone remained to him in his misfortunes, he avoided your sight, and though he might legally have remained here, he condemned himself almost to exile. XXVII. In modesty like this, and in such a life, do you believe, gentlemen, that there was a place for a crime so great? Look at the man himself, regard his countenance, compare the accusation with his life, review, with the accusation in mind, his life, which lies open to your inspection from his birth to the present time. Not to mention the state, which Sulla always loved; did he wish those men, such friends of his and so devoted to him, by whom his prosperity was once adorned and his adversity is now sustained, to meet a cruel death that he might live a life of deepest misery and disgrace with Lentulus and Catiline and Cethegus, looking forward to a most shameful death? No, I say, that kind of suspicion does not suit habits like these, modesty like this, a life like

suspicio Nova quaedam illa inmanitas exorta est, incredibilis fuit ac singularis furor, ex multis ab adolescentia collectis perditorum hominum vitus repente  
76 ista tanta importunitas inauditi sceleris exarsit. Nolite, iudices, arbitrari hominum illum impetum et conatum fuisse—neque enim ulla gens tam barbara aut tam immanis umquam fuit in qua non modo tot, sed unus tam crudelis hostis patriae sit inventus—: beluae quaedam illae ex portentis immanes ac ferae forma hominum indutae exstiterunt. Perspiciate etiam atque etiam, iudices,—nihil enim est quod in hac causa dici possit vehementius—penitus introspicite Catilinae, Autroni, Cethegi, Lentuli ceterorumque mentes; quas vos in his libidines, quae flagitia, quas turpitudines, quantas audacias, quam incredibiles furores, quas notas facinorum, quae indicia parricidiorum, quantos acervos scelerum reperietis! Ex magnis et diuturnis et iam desperatis rei publicae morbis ista repente vis erupit, ut ea confecta et eiecta convalescere aliquando et sanari civitas possit; neque enim est quisquam qui arbitretur illis inclusis in re publica pestibus diutius haec stare potuisse. Itaque eos non ad perficiendum scelus, sed ad luendas rei publicae  
77 poenas Furiae quaedam incitaverunt. XXVIII In hunc igitur gregem vos nunc P. Sullam, iudices, ex his qui cum hoc vivunt aut vixerunt honestissimorum hominum gregibus reicietis, ex hoc amicorum numero, ex hac familiarium dignitate in impiorum partem atque in parricidarum sedem atque numerum transferetis? Ubi erit igitur illud firmissimum praesidium

his, a man like him. It was a kind of barbarity that then came to light, it was an unbelievable and unique madness; from the many vices of abandoned men acquired from youth onward the great abomination of this unparalleled villainy blazed up. Do not believe, gentlemen, that that violence and that attempt were the work of men—for there never was a race so barbarous or so savage in which there was found, I do not say many, but even one enemy of his country so cruel; they were beasts, monstrosities, awful and fierce, clothed in human form. Look at them again and again, gentlemen—for there is nothing on which I can more earnestly insist in this case—look closely at the minds of Catiline, Autromus, Cethegus, Lentulus, and the others, what lusts, what wickedness, what baseness will you find in them, what boldness, what incredible madness, what stains of guilt, what marks of parricide, what heaps of crime! From this vast, deep-seated cancer in the state, which seemed quite hopeless, there was a violent eruption; this once finished and cleared, the country can recover at last and be healed. For no one thinks that the government could continue to endure if these poisons were retained longer in the constitution. And so it was that Furies drove those men on, not to accomplish their crime, but to pay the penalty to the state by their punishment. XXVIII. And so, gentlemen, will you now cast Publius Sulla into this gang, taking him from that gathering of honourable men who are living and have lived with him? From these his many friends, from the dignity of his intimates, will you transfer him to the party of scoundrels, to the home and heritage of parricides? What, then, will become of the old firm-set defence of modesty? Where,

pudoris, quo in loco nobis vita ante acta proderit, quod ad tempus existimationis partae fluctus reservabitur, si in extremo discrimine ac dimicatione fortunae deseruerit nos, si non aderit, si nihil adiu-  
vabit ?

- 78 Quaestiones nobis servorum accusator ac tormenta minuitur. In quibus quamquam nihil periculi suspi-  
camur, tamen illa tormenta gubeinat dolor, moderatur  
natura cuiusque cum animi tum corporis, regit quae-  
sitor, flectit libido, corrumpit spes, infirmat metus, ut  
in tot rerum angustus nihil veritati loci relinquatur  
Vita P. Sullae torqueatur, ex ea quaeratur num quae  
occultetur libido, num quod lateat facinus, num quae  
crudelitas, num quae audacia. Nihil erroris erit in  
causa nec obscuritatis, iudices, si a vobis vitae per-  
petuae vox, ea quae verissima et gravissima debet  
79 esse, audietur. Nullum in hac causa testem timemus,  
nihil quemquam scire, nihil vidisse, nihil audisse arbi-  
(79) tramur. Sed tamen, si nihil vos P. Sullae fortuna  
movet, iudices, vestra moveat. Vestra enim, qui cum  
summa elegantia atque integritate vixistis, hoc  
maxime interest, non ex libidine aut similitate aut  
levitate testium causas honestorum hominum pon-  
derari, sed in magnis disquisitionibus repentinisque  
periculis vitam unius cuiusque esse testem. Quam  
vos, iudices, nolite armis suis spoliata atque nu-  
datam obicere invidiae, dedere suspicioni; munite  
communem arcem bonorum, obstruite perfugia im-  
proborum; valeat ad poenam et ad salutem vita

pray, will our past life avail to aid us ? For what emergency will the reward of good character attained be reserved, if in the final trial and battle with fortune it will desert us, if it will not stand by us, if it will aid us in naught ?

The prosecutor threatens us with an examination of the slaves by torture. Although no danger threatens us from this, still in examinations by torture pain is the guiding motive, each one's qualities of mind and body control it, the inquisitor directs it, passion diverts it, hope vitiates it, fear weakens it, so that in such straits there is no place left for truth. Let the life of Publius Sulla be put to the torture. Let inquiry be made of it whether there is any hidden vice, any crime concealed, any cruelty and shamelessness. There will be no mistake in the case, gentlemen, no obscurity, if you listen to the voice of his whole life, which should be the most honest and most convincing witness. In this cause we fear no witness, nothing, we think, is known, nothing has been seen, nothing has been heard by anyone. But still, if the cause of Publius Sulla does not move you, gentlemen, let your own move you. For it is especially to the interest of you who have lived with the greatest refinement and uprightness, that the cases of honourable men should not be tested by the greed, or the hatred, or the perversity of witnesses, but that in important investigations and sudden accusations each man's life should be his witness. Do not, gentlemen, deprive it of its own weapons, do not strip it and expose it to envy and surrender it to suspicion ; strengthen this common citadel of honest men, cut off the retreat of rascals ; let his life be the most potent witness to condemn or acquit

plurimum, quam solam videtis ipsam ex sua natura facillime perspicī, subito flecti fingique non posse.

- 80 XXIX. Quid vero ? haec auctoritas—semper enim est de ea dicendum, quamquam a me timide modiceque dicetur—, quid ? inquam, haec auctoritas nostra, qui a ceteris coniurationis causis abstinuimus, P. Sullam defendimus, nihil hunc tandem iuvabit ? Grave est hoc dictu fortasse, iudices, grave, si appetimus aliquid ; si, cum ceteri de nobis silent, non etiam nosmet ipsi tacemus, grave ; sed, si laedimur, si accusamur, si in invidiam vocamur, profecto conceditis, iudices, ut nobis libertatem retinere liceat si  
81 minus liceat dignitatem. Accusati sunt uno nomine consulares, ut iam videatur honoris amplissimi nomen plus invidiae quam dignitatis adferre. “ Adfuerunt,” inquit, “ Catilinae illumque laudarunt.” Nulla tum patebat, nulla erat cognita coniuratio ; defendebant amicum, aderant supplici, vitae eius turpitudinem in summis eius periculis non insequabantur. Quin etiam parens tuus, Torquate, consul reo de pecuniis repetundis Catilinae fuit advocatus, improbo homini, at supplici, fortasse audaci, at aliquando amico. Cui cum adfuit post delatam ad eum primam illam coniurationem, indicavit se audisse aliquid, non credidisse. “ At idem non adfuit alio in iudicio, cum adessent ceteri ” Si postea cognorat ipse aliquid quod in consulatu ignorasset, ignoscendum est iis qui postea nihil audierunt ; sin illa res prima valuit, num inveterata

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<sup>a</sup> The conspiracy of 66-65 B.C.

him, for, as you see, it alone can, because of its own nature, be most easily examined, it cannot be changed and altered in a moment

XXIX What then, shall this authority of mine— 80  
for I must always speak of it, though I will speak with hesitation and moderation—what, shall this authority of mine, I say, have no power whatever to assist Publius Sulla, when I have taken no part in the other cases arising out of the conspiracy but am defending him alone? Perhaps it is offensive to say this, gentlemen, offensive if we are seeking some reward; if, when others are silent about us, we too are not silent, it is offensive; but if we are attacked, if we are accused, if reproach is cast on us, certainly you admit, gentlemen, that we are allowed to retain our freedom of speech if not our dignity. In one indictment ex- 81  
consuls are accused, so that now the name of the highest office seems to confer more envy than dignity. "They came to the assistance of Catiline," he says, "and praised him." At that time no conspiracy was evident, none was known. They were defending a friend, they were helping a suppliant; in his dire distress they did not bear hard on the baseness of his life. Nay even your father, Torquatus, when he was consul, was Catiline's counsel when he was accused of extortion; a rascal, but a suppliant, perhaps audacious, but once a friend. When he was helping him, after that first conspiracy<sup>a</sup> was reported to him, he indicated that he had heard something but did not believe it. "But he did not assist him in another trial though the rest did." If he had learned something later which he did not know during his consulship, then those must be pardoned who heard nothing later; but if that early information had weight, should it have had



- quam recens debuit esse gravior ? Sed si tuus parens etiam in ipsa suspicione periculi sui tamen humanitate adductus ad vocationem hominis improbissimi sella curuli atque ornamentis et suis et consulatus honestavit, quid est quam ob rem consulares qui Catilinae  
 82 adfuerunt reprehendantur ? “ At idem is qui ante hunc causam de coniuratione dixerunt non adfuerunt.” Tanto scelere astrictis hominibus statuerunt nihil a se adiumen<sup>a</sup>i, nihil opis, nihil auxilii ferri oportere. Atque ut de eorum constantia atque animo in rem publicam dicam quorum tacita gravitas et fides de uno quoque loquitur neque cuiusquam ornamenta orationis desiderat, potest dicere quisquam umquam meliores, fortiores, constantiores consulares fuisse quam his temporibus et periculis quibus paene oppressa est res publica ? Quis non de communi salute optime, quis non fortissime quis non constantissime sensit ? Neque ego praecipue de consularibus disputo ; nam haec et hominum ornatissimorum, qui praetores fuerunt, et universi senatus communis est laus, ut constet post hominum memoriam numquam in illo ordine plus virtutis, plus amoris in rem publicam, plus gravitatis fuisse ; sed quia sunt descripti consulares, de his tantum mihi dicendum putavi quod satis esset ad testandam omnium memoriam, neminem esse ex illo honoris gradu qui non omni studio, virtute, auctoritate incubuerit ad rem publicam conservandam.
- 83 XXX. Sed quid ? ego qui Catilinam non laudavi, qui pro Catilinae consul non adfui, qui testimonium

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<sup>a</sup> The official chair of the consul and other high magistrates.

more weight after it was old than when it was fresh ? But if your father, even though he suspected danger to himself, still was induced by his own kindness to honour the defence of a thoroughly wicked man by the use of the curule chair " and the insignia that belonged to himself and the consulship, is there any reason for blaming the ex-consuls who assisted Catiline ? " But the same men did not assist those who 82 were tried for the conspiracy before Sulla " They determined that they should give no help, no assistance, no aid to men concerned in such crime And to speak of their steadfastness and devotion to the state when their silent dignity and honour speaks for each one of them, and needs the adornment of a speech by no one, can anyone say that there ever were better, braver, more steadfast ex-consuls than in this emergency and peril by which the state was almost overthrown ? Who did not with all his power, his courage, his steadfastness, think of the common safety ? And I do not speak exclusively of the ex-consuls ; for this praise belongs to all those honourable men who have been praetors, and to all the senate, so that it is clear that within the memory of man there has never been in that order more courage, more love of country, more dignity ; but since the ex-consuls have been mentioned I thought I had only to say as much as would be enough to testify to what all remember—that there was no one in that rank of office who did not lend all his energy, his courage, his influence to saving the state.

XXX What next, then ? And what of me who 83 never praised Catiline, who, when consul, did not come to Catiline's aid when he was indicted, who

de coniuratione dixi in alios, adeone vobis alienus a sanitate, adeo oblitus constantiae meae, adeo immemor rerum a me gestarum esse videor ut, cum consul bellum gesserim cum coniuratis, nunc eorum ducem servare cupiam et in animum inducam, cuius nuper ferrum rettulerim flammamque restinverim, eiusdem nunc causam vitamque defendere? Si medius fidius, iudices, non me ipsa res publica meis laboribus et periculis conservata ad gravitatem animi et constantiam sua dignitate revocaret, tamen hoc natura est insitum ut, quem timueris, quicum de vita fortunisque contenderis, cuius ex insidiis evaseris, hunc semper oderis. Sed cum agatur honos meus amplissimus, gloria rerum gestarum singularis, cum, quotiens quisque est in hoc scelere convictus, totiens renovetur memoria per me inventae salutis, ego sim tam demens, ego committam ut ea quae pro salute omnium gessi, casu magis et felicitate a me quam

84 virtute et consilio gesta esse videantur? "Quid ergo? hoc tibi sumis," dicet fortasse quispiam, "ut, quia tu defendis, innocens iudicetur?" Ego vero, iudices, non modo mihi nihil adsumo in quo quispiam repugnet, sed etiam, si quid ab omnibus conceditur, id reddo ac remitto. Non in ea re publica versor, non iis temporibus meum caput obtuli pro patria periculis omnibus, non aut ita sunt extincti quos vici aut ita grati quos servavi, ut ego mihi plus appetere coner

gave evidence regarding the conspiracy against others: do I seem to you to be so bereft of my senses, so forgetful of my steadfastness, so unmindful of the things I have done that, though I made war on the conspirators when consul, I should now want to save their leader, and induce myself to defend the cause and the life of that same man whose sword I but lately thrust back and whose torch I extinguished? If—I say it on my oath, gentlemen—the state itself preserved by my labours and at my peril did not by its dignity recall me to a seriousness of purpose and steadfastness, still this is inbred in human nature: you will always hate the man whom you have feared, with whom you have fought for life and fortune, from whose snares you have escaped. But when the most lofty honour I have attained is at stake, and the unique glory of my achievements, when as often as anyone is convicted in connexion with this plot, so often is renewed the memory of the salvation achieved through me, would I be so insane, would I allow men to believe that by accident and a happy chance I accomplished the things which I have done for the safety of all rather than by courage and wisdom? “What, then? Is this what you assume,” perhaps someone will say, “that because you defend a man, he will be judged innocent?” Indeed, gentlemen, I not only do not assume any privilege for myself to which anyone would object, but if any privilege is granted to me by the consent of all, this I resign and give back. I do not live in such a state, nor in such times have I risked my life in all dangers for my country, nor are those so dead whom I have conquered, nor those so grateful whom I have saved, that I would attempt to assume for myself any

- quam quantum omnes inimici invidique patiantur.
- 85 Grave esse videtur eum qui investigavit coniurationem, qui patefecerit, qui oppresseit, cui senatus singularibus verbis gratias egerit, cui uni togato supplicationem decreverit, dicere in iudicio "non defenderem, si coniurasset." Non dico id quod grave est, dico illud quod in his causis coniurationis non auctoritati adsumam, sed pudori meo: "ego ille coniurationis investigator atque ultor certe non defenderem Sullam, si coniurasse arbitrarer." Ego, iudices, de tantis omnium periculis cum quaererem omnia, multa audirem, crederem non omnia, caverem omnia, dico hoc quod initio dixi, nullius indicio, nullius nuntio, nullius suspicione, nullius litteris de P. Sulla rem ullam ad me esse delatam
- 86 XXXI Quam ob rem vos, di patrum ac penates, qui huic urbi atque huic rei publicae praesidetis, qui hoc imperium, qui hanc libertatem, qui populum Romanum, qui haec tecta atque templa me consule vestro numine auxilioque servastis, testor integro me animo ac libero P. Sullae causam defendere, nullum a me sciente facinus occultari, nullum scelus susceptum contra salutem omnium defendi ac tegi. Nihil de hoc consul comperi, nihil suspicatus sum, nihil
- 87 audiavi. Itaque idem ego ille qui vehemens in alios, qui inexorabilis in ceteros esse visus sum, persolvi

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\* A thanksgiving (*supplicatio*) was an honour usually conferred on a successful general. For Cicero the citizen (*togatus*) it was a unique honour.

more than all those who hate and envy me would allow. It seems to be offensive that he who searched 85 out the conspiracy, who disclosed it, who suppressed it, whom the senate thanked in a unique decree, to whom alone, clad in the garb of peace,<sup>a</sup> it decreed a thanksgiving, that he should say in this trial: "I would not be defending him if he had been in the conspiracy." I do not say anything offensive; I do say this, which in these cases relating to the conspiracy I may say, not on my authority, but on my honour: "I, who investigated the conspiracy and punished it, surely should not be defending Sulla if I thought that he had been in the conspiracy." When I, gentlemen, was inquiring into everything that concerned the great dangers threatening all, when I was hearing many rumours, when I was not credulous of them all but was providing against them all, I say that which I said in the beginning—no informer brought me word, no one sent me a message, no one voiced a suspicion to me, no one by letter brought me information, that involved Publius Sulla.

XXXI Therefore, I call you to witness, ye gods 86 and penates of our fathers, who preside over this city and this state, who preserved this government, this liberty, the Roman people, their dwellings and temples, while I was consul, by your power and your aid, that I undertake the defence of Publius Sulla with my judgement uncorrupted and unenslaved, that to my knowledge no crime is being concealed, no wickedness undertaken against the safety of all is being defended or kept secret. While I was consul I learned nothing about him, I suspected nothing, I heard nothing. And so I, that same man who seemed 87 violent against the other leaders, implacable against

patriae quod debui ; reliqua iam a me meae perpetuae consuetudini naturaeque debentur , tam sum misericors, iudices, quam vos, tam mitis quam qui lenissimus ; in quo vehemens fui vobiscum, nihil feci nisi coactus, rei publicae praecipitanti subveni, patriam demersam extuli ; misericordia civium adducti tum fuimus tam vehementes quam necesse fuit. Salus esset amissa omnium una nocte, nisi esset severitas illa suscepta Sed ut ad sceleratorum poenam amore rei publicae sum adductus, sic ad salutem innocentium voluntate deducor.

- 88 Nihil video esse in hoc P. Sulla, iudices, odio dignum, misericordia digna multa. Neque enim nunc propulsandae calamitatis suae causa supplex ad vos, iudices, confugit, sed ne qua generi ac nomini suo nota nefariae turpitudinis inuratur Nam ipse quidem, si erit vestro iudicio liberatus, quae habet ornamenta, quae solacia reliquae vitae quibus laetari ac perfrui possit ? Domus erit, credo, exornata, aperientur maiorum imagines, ipse ornatum ac vestitum pristinum recuperabit. Omnia, iudices, haec amissa sunt, omnia generis, nominis, honoris, insignia atque ornamenta unius iudicii calamitate occiderunt Sed ne extinctor patriae, ne proditor, ne hostis appelletur, ne hanc labem tanti sceleris in familia relinquat, id laborat, id metuit, ne denique hic miser coniurati et conscelerati et proditoris filius nominetur ; huic puero qui est ei vita sua multo carior metuit, cui honoris integros fructus non sit traditurus, ne aeter-

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<sup>a</sup> When a man was elected to high office, garlands were hung on his house.

<sup>b</sup> His earlier condemnation for bribery.

the rest of the conspirators, have discharged my obligation to the state. I now have a duty to perform to my unchanging habits and character. I am as merciful as you, gentlemen, I am gentle as the mildest. In my sternness toward you I did nothing except under compulsion, I came to the aid of the state when it was tottering, I rescued my country when it was sinking; moved by pity for the citizens, then was I as stern as was necessary. The safety of all would have been lost in one night if such sternness had not been used. But as I was led to punish the criminals by love of my country, so I am led to save the innocent by my own desire.

I see nothing in Publius Sulla here, gentlemen, worthy of hatred, many things worthy of pity. For not to avert his own ruin does he now flee as a suppliant to you, gentlemen, but to save his family and his name from the brand of foul disgrace. For even if he shall be acquitted by your verdict, what distinctions, what consolations for the rest of his life can he have in which he can take delight and enjoyment? His house, I suppose, will be decorated,<sup>a</sup> the images of his ancestors will be brought out, he will resume his former decorations and garb! All these things, gentlemen, have been lost; all the insignia and adornments of his family, his name, his honour have perished in the disaster of one verdict.<sup>b</sup> But that he may not be called the destroyer of his country, traitor, public enemy, that he may not leave the disgrace of such a crime to his family, this is his earnest desire. His fear is that his poor son here may be called the son of a conspirator, a criminal, a traitor; he fears that he may leave the eternal memory of disgrace to this boy, who is much dearer to him than his life, to whom, as it is, he will not leave



## CICERO

89 nam memoriam dedecoris relinquat Hic vos orat, iudices, parvus, ut se aliquando si non integra fortuna, at ut afflicta patri suo gratulari sinatis. Huic misero notiora sunt itinera iudiciorum et fori quam campi et disciplinarum. Non iam de vita P. Sullae, iudices, sed de sepultura contenditur; vita erepta est superiore iudicio, nunc ne corpus eiciatur laboramus. Quid enim est huic reliqui quod eum in hac vita teneat, aut quid est quam ob rem haec cuiquam vita videatur? XXXII Nuper is homo fuit in civitate P. Sulla ut nemo ei se neque honore neque gratia neque fortunis anteferebat, nunc spoliatus omni dignitate quae erepta sunt non repetit; quod fortuna in malis reliqui fecit, ut cum parente, cum liberis, cum fratre, cum his necessarius lugere suam calamitatem liceat, id sibi ne eripiatis vos, iudices, obtestatur

90 Te ipsum iam, Torquate, expletum huius miseris esse par erat et, si nihil aliud Sullae nisi consulatum abstulissetis, tamen eo contentos vos esse oportebat; honoris enim contentio vos ad causam, non inimicitiae deduxerunt. Sed cum huic omnia cum honore detracta sint, cum in hac fortuna miserrima ac luctuosissima destitutus sit, quid est quod expetas amplius? Lucisne hanc usuram eripere vis plenam lacrimarum atque maeroris, in qua cum maximo cruciatu ac dolore retinetur? Libenter reddiderit adempta igitur ignominia foedissimi criminis. An vero

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<sup>a</sup> Because of his former conviction.

an unsullied inheritance of honour.<sup>a</sup> This child begs of you, gentlemen, that you allow him at some time to congratulate his father, if not with his fortune unimpaired, at least in his affliction. To this poor lad the ways of the law-courts and the forum are better known than those of the exercise-ground and the school. It is no longer a question of the life of Publius Sulla, gentlemen, but of his burial. His life was forfeited by the former trial, we are now pleading that his body may not be cast out. For what is there left to detain him in this life, or what reason is there why this life of his should seem to anyone a real life?

XXXII Lately Publius Sulla was a man so important in the state that no one could outrank him in honour or influence or fortune. Now despoiled of every honour, he does not seek to regain what has been taken from him. He begs you, gentlemen, not to take from him what fortune has left him in his troubles, so that he may still be permitted to mourn his calamity with his mother, with his children, with his brother, with his relatives here. You should have been sated long ago, Torquatus, with his miseries and if you and your father had taken nothing else from Sulla except his consulship, still you should have been content with that; for it was rivalry for office that led you to take the case, not private hatred. But when everything including his office was taken from him, when he was crushed under this most wretched and lamentable misfortune, what further do you desire? Do you want to take from him the right to enjoy this light of day, filled as it is with tears and grief, in which he reluctantly tarries with the greatest sorrow and mourning? He would gladly surrender it if the disgrace of this most foul accusation is removed. Or

inimicum ut expellas? Cuius ex miseriis, si esses crudelissimus, videndo fructum maiorem caperes quam  
 91 audiendo. O miserum et infelicem illum diem quo consul omnibus centuriis P. Sulla renuntiatus est, o falsam spem, o volucrem fortunam, o caecam cupiditatem, o praeposteram gratulationem! Quam cito illa omnia ex laetitia et voluptate ad luctum et lacrimas reciderunt, ut, qui paulo ante consul designatus fuisset, repente nullum vestigium retineret pristinae dignitatis! Quid enim erat mali quod huic spoliato fama, honore, fortunae deesse videretur? aut cui novae calamitati locus ullus relictus est? Urget eadem fortuna quae coepit, repperit novum maerorem, non patitur hominem calamitosum uno malo afflictum uno in luctu perire.

92 XXXIII. Sed iam impediore egomet, iudices, dolore animi ne de huius miseria plura dicam. Vestrae sunt iam partes, iudices, in vestra mansuetudine atque humanitate causam totam repono. Vos relectione interposita nihil suspicantibus nobis repentini in nos iudices consedistis, ab accusatoribus delecti ad spem acerbitatis, a fortuna nobis ad praesidium innocentiae constituti. Ut ego quid de me populus Romanus existimaret, quia severus in improbos fueram, laboravi et, quae prima innocentis mihi defensio est oblata, suscepi, sic vos severitatem iudiciorum quae per hos menses in homines audacissimos facta sunt lenitate ac  
 93 misericordia mitigare. Hoc cum a vobis impetrare

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<sup>a</sup> It appears from this passage that in a trial such as this under the *lex Plautia de vi* the jurors were selected largely at the discretion of the prosecution. It is this advantage given to his adversaries of which Cicero complains in rather ambiguous terms. The exact method in which the jurors were selected is not known.

do you wish to exile a personal enemy? If you were the most cruel of men you would get a greater pleasure from seeing him than hearing about him. O miserable day of ill omen when Publius Sulla was declared consul by all the centuries, O false hope, O fickle fortune, O blind ambition, O unseasonable congratulation! How quickly all this was changed from joy and pleasure to grief and tears, so that he who but a little while before had been consul-elect, suddenly had no trace left of his former honour! For what misfortune was there which this man, deprived of reputation, office, fortune, seemed to lack? For what new calamity was there any room? The same ill fortune which began pursues him, it has found new sorrow, it does not allow this unhappy man to be afflicted by one grief, to perish in one disaster

XXXIII But now I am prevented, gentlemen, by my own emotion from saying more about his grief. It is now your turn to act, gentlemen; to your kindness and mercy I leave the whole case. You have taken your places as judges in our case after a jury was hastily empanelled—a procedure of rejection was intruded while we were all unsuspecting.<sup>a</sup> You were selected by the prosecutors with an expectation of severity—by fortune you have been appointed for us as a protection for innocence. As I was concerned about what the Roman people thought of me because I had been severe toward malefactors, and as I undertook the first defence of an innocent man that was offered me, so may you temper by kindness and mercy the decisions which have been made during these months against bold criminals. Not only ought the case itself to dispose you to such

## CICERO

causa ipsa debet, tum est vestri animi atque virtutis declarare non esse eos vos ad quos potissimum interposita reiectione devenire convenit. In quo ego vos, iudices, quantum meus in vos amor postulat, tantum hortor ut communi studio, quoniam in re publica coniuncti sumus, mansuetudine et misericordia vestra falsam a nobis crudelitatis famam repellamús.

action, but also you owe it to your own courage and honesty to make clear that you are not the men to whom it was most profitable for an accuser to come after foisting on us a rejection of jurors.<sup>a</sup> In this matter I urge you, gentlemen, in your mutual devotion, as earnestly as my love of you demands, since we are united in the state, by your kindness and mercy to save us from this false charge of cruelty.

<sup>a</sup> See preceding note.

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THE SPEECH FOR LUCIUS  
VALERIUS FLACCUS





## INTRODUCTION

LUCIUS VALERIUS FLACCUS came of one of the oldest and proudest Roman families. His father was consul with Marius in the latter's sixth consulship, 100 B C., and after Marius's death in 86 he was appointed to fill his place. His son, for whom this speech was delivered, had an honourable record, serving in Cilicia, Spain, Achaia, and Gaul. He was praetor in 63 when Cicero was consul, and with the assistance of Pomptinus he arrested the ambassadors of the Allobroges at the Mulvian bridge. Cicero makes much of this service in his defence. In 62 he was governor of Asia, succeeding Globulus and preceding Quintus Cicero. He returned in 59 to Rome to face the usual trial for malfeasance in office. The prosecutor was Decimus Laelius. Flaccus was defended by Cicero and Hortensius.

Laelius had made elaborate preparations for the prosecution, collecting a vast amount of evidence at great expense. He may have desired to imitate Cicero's own thoroughness in the prosecution of Verres. How Cicero dealt with this evidence is told by Macrobius (*Sat* ii. 1. 13). He says that Cicero frequently used jokes to secure the acquittal of guilty defendants and that in particular he did this successfully for Flaccus. The passage to which he refers was not, he says in the published speech, as he

## INTRODUCTION

had it. It is probably not in our copy, though there is no lack of humour at Laelius's expense. In fact, there is little effort to meet and refute the charge of extortion. That was probably impossible.

Cicero, therefore, resorts to the arguments from probability so dear to the Greek orators. A man of Flaccus's character and achievements simply could not have committed the crimes with which he was charged. In any case, the witnesses were Greeks and Asiatic Greeks at that. To the untrustworthy character of these witnesses in general and in particular much space is given. Having denounced the Greeks as a nation utterly incapable of giving honest testimony, Cicero passes to the Jews who fare but little better at his hands.

The only charge Cicero attempts to meet squarely is the charge of levying money for a fleet. It is shown that the raising of a fleet was authorized, that it was probably necessary, and that it was provided by Flaccus.

In support of Flaccus's character in general Cicero produces a few witnesses from the great Greek cities, Athens, Sparta, Marseilles, and then supports these by the fact that Flaccus helped him suppress the Catilinarian conspiracy by arresting the Allobroges and so getting the crucial evidence in the case. Once embarked on the conspiracy of Catiline, Cicero makes the familiar appeal to the jury to stand by the respectable citizens and save the state by acquitting Flaccus.

Flaccus was acquitted, though Macrobius thought him guilty, and that impression is strongly given by the speech itself. It is a pathetic sight, Cicero dragging out once more the spavined stalking horse

## INTRODUCTION

of the Catilinarian conspiracy. It took no Daniel now to read the writing on the wall Flaccus was acquitted in 59. In 58 Cicero went into exile.

## MANUSCRIPTS

The manuscripts of the *Pro Flacco* are very unsatisfactory. The Codex Parisinus 14749 and the Codex S. Marci 255, both of the fifteenth century, contain most of the oration except those parts represented by the Milan fragment and the other fragments preceding Section 6. The Milan fragment is preserved in a fifth-century Codex Ambrosianus R 57. Sections 40-54 are in Codex *Tabularum Basilicæ Vaticanæ* H. 25, of the ninth century, while Sections 75-83 are preserved only in Cratander's edition printed at Basel in 1528.

## EDITIONS

Text · Fruechtel, Leipzig, 1932; Clark, Oxford, 1909.

Text with commentaries (all the orations) commentary in German, R Klotz (1832, etc.); in English, G Long (1851-58).

Text of the *Pro Flacco* alone with commentary in German, du Mesnil (Leipzig, 1883); in English, Watson (1931).

## PRO L. FLACCO ORATIO

1 I. Cum in maximis periculis huius urbis atque imperii, gravissimo atque acerbissimo rei publicae casu, socio atque adiutore consiliorum periculorumque meorum L. Flacco, caedem a vobis, coniugibus liberis vestris, vastitatem a templis, delubris, urbe, Italia depellebam, sperabam, iudices, honoris potius L. Flacci me adiutorem futurum quam miseriarum deprecatorem. Quod enim esset praemium dignitatis quod populus Romanus, cum huius maioribus semper detulisset, huic denegaret, cum L. Flaccus veterem Valeriae gentis in liberanda patria laudem prope  
2 quingentesimo anno rei publicae rettulisset? Sed si forte aliquando aut beneficii huius obtrectator aut virtutis hostis aut laudis invidus exstisset, existimabam L. Flacco multitudinis potius imperitiae, nullo tamen cum periculo, quam sapientissimorum et lectissimorum virorum iudicium esse subeundum: Etenim quibus auctoribus et defensoribus omnium tum salus

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<sup>a</sup> i.e. the consulship. Flaccus was praetor in 63, while Cicero was consul.

<sup>b</sup> In the year 509 L. Tarquinius Collatinus—because of his relationship to King Tarquin—was forced to resign the consulship. P. Valerius was appointed in his place. Be-

## THE SPEECH IN DEFENCE OF LUCIUS VALERIUS FLACCUS

I WHEN, amid the gravest dangers to this city and empire, in a very important and serious crisis of the state, I saved you, your wives, and your children from death, the temples, the shrines, the city, and Italy from devastation, with the aid and assistance in my counsels and my perils of Lucius Flaccus, I hoped, gentlemen, that I should assist Lucius Flaccus in gaining honour <sup>a</sup> rather than intercede for him in misfortune. For what preferment in office would there be which the Roman people would refuse to this man, when it had always granted such preferment to his ancestors, ever since the time when Lucius Flaccus revived in the state after almost five hundred years the ancient glory won by the Valerian family in freeing our fatherland? <sup>b</sup> But if by chance at some time there had been someone to belittle his services, to hate his uprightness, to envy his praise, I should have expected that an ignorant mob would be made the judge of Lucius Flaccus (with no risk to himself however) and not the choicest and wisest spirits of our nation. For I never thought that anyone would bring threats and plots against the

cause of his activity in expelling Tarquin, he was given the name Poplicola.

esset non civium solum verum etiam gentium defensa ac retenta, neminem umquam putavi per eos ipsos periculum huius fortunae atque insidias creaturum. Quodsi esset aliquando futurum ut aliquis de L. Flacci perniciæ cogitaret, numquam tamen existimavi, iudices, D. Laelium, optimi viri filium, optima ipsum spe praeditum, suae dignitatis causa suscepturum accusationem quae sceleratorum civium potius odio et furori quam ipsius virtuti atque institutae adolescentiae conveniret. Etenim cum a clarissimis viris iustissimas inimicitias saepe cum bene meritis civibus depositas esse vidissem, non sum arbitratus quemquam amicum rei publicae, posteaquam L. Flacci amor in patriam perspectus esset, novas huic inimicitias  
 3 nulla accepta iniuria denuntiaturum. Sed quoniam, iudices, multa nos et in nostris rebus et in re publica fefellerunt, fecimus ea quae sunt ferenda; tantum a vobis petimus ut omnia rei publicae subsidia, totum statum civitatis, omnem memoriam temporum praeteritorum, salutem praesentium, spem reliquorum in vestra potestate, in vestris sententiis, in hoc uno iudicio positam esse et defixam putetis. Si umquam res publica consilium, gravitatem, sapientiam iudicum imploravit, hoc, hoc inquam, tempore implorat II. Non estis de Lydorum aut Mysorum aut Phrygum, qui huc corrupti concitatique venerunt, sed de vestra re publica iudicaturi, de civitatis statu, de communi salute, de spe honorum omnium, si qua reliqua est etiam nunc quae fortium civium mentes cogitationesque sustentet; omnia alia perfugia bono-

fortunes of this man with the assistance of these very men who were then the authors and defenders of the salvation not only of all our citizens, but of all nations. But if at some time it were to come to pass that someone would plan the destruction of Lucius Flaccus, still I never thought, gentlemen, that Decimus Laelius, the son of a very honourable gentleman, himself possessed of the best of prospects, would undertake for the sake of his own advancement a prosecution which befitted the hatred and madness of debased citizens rather than his own virtue and the promise of his youth. For since I had often seen distinguished men lay aside well-justified quarrels with respected citizens, I did not think that any friend of the state would, unprovoked, begin a quarrel with Lucius Flaccus, after his devotion to our country had been clearly seen. But since, gentlemen, we have been many times disappointed both in our private affairs and in public, we are bearing what must be borne; we ask of you only that you should think that all the foundations of the state, the whole fabric of the government, all the memory of times that are past, the safety of the present and the hope of the future, are fixed and placed in your power, in your decision, in this one trial. If ever the state asked for prudence, seriousness, wisdom in her judges, ~~now~~, now I say, she asks for them. II. Your decision will be given, not on the state of the Lydians, or the Mysians or the Phrygians, who have come hither bribed and suborned, but on your own state, on the fabric of government, the common safety, the hope of all honourable men, if any hope even now remains to buoy up the minds and thoughts of brave citizens; every other refuge for



rum, praesidia innocentium, subsidia rei publicae,  
 4 consilia, auxilia, iura ceciderunt Quem enim<sup>1</sup> appel-  
 lem, quem obtester, quem implorem ? Senatumne ?  
 At is ipse auxilium petit a vobis et confirmationem  
 auctoritatis suae vestrae potestati permissam esse  
 sentit An equites Romanos ? Iudicabitis principes  
 eius ordinis quinquaginta quod cum omnibus senseri-  
 tis An populum Romanum ? At is quidem omnem  
 suam de nobis potestatem tradidit vobis. Quam ob  
 rem nisi hoc loco, nisi apud vos, nisi per vos, iudices,  
 non auctoritatem, quae amissa est, sed salutem  
 nostram, quae spe exigua extremaque pendet, tenue-  
 rimus, nihil est praeterea quo confugere possimus,  
 nisi forte quae res hoc iudicio temptetur, quid agatur,  
 cui causae fundamenta iaciantur, iudices, non videtis  
 5 Condemnatus est is qui Catilinam signa patriae in-  
 ferentem interemit ; quid est causae cur non is qui  
 Catilinam ex urbe pepulit pertimescat ? Rapitur ad  
 poenam qui indicia communis exitu cepit ; cur sibi  
 confidat is qui ea proferenda et patefacienda curavit ?  
 Socii consiliorum, ministri comitesque vexantur ;  
 quid auctores, quid duces, quid principes sibi expec-  
 tent ? Atque utinam inimici nostri ac bonorum  
 omnium mecum potius aestiment<sup>2</sup> utrum tum

<sup>1</sup> after enim the MSS read alium, it is omitted by the  
 scholiast and all editors.

<sup>2</sup> following Madvig, Clark restores mecum potius aesti-  
 ment utrum tum . . . for m. p. tum est utrum tum.

<sup>a</sup> The jury consisted, according to the Aurelian law of  
 70 B.C., of senators, knights, and treasury-tribunes. The  
 latter were classed with the knights, so that there were  
 twenty-five of senatorial, and twenty-five of equestrian status,  
 on the jury.

honourable men, the protection of the innocent, the foundations, plans, supports, laws of the state have perished. For whom should I address, whom invoke, 4 whom implore? The senate? But the senate itself is asking aid of you, and knows that the enforcement of its authority has been placed in your keeping. The Roman knights? Fifty <sup>a</sup> of you, chief men of this order, will make that decision in which you and all the others feel alike. The Roman people? But they have delegated to you all their power over us. Therefore, unless in this place, unless with you and through you, gentlemen, we retain, not our authority, which has been lost, but our safety, of which there is but a slight and tenuous hope, we have no other refuge to which we may flee; unless perhaps, gentlemen, you do not see what is being tested in this trial, what is at stake, for whom the foundations of the case are being laid. He <sup>b</sup> has been condemned who slew Catiline when he was leading troops against his country; then why should not he who drove Catiline from the city be afraid? He <sup>c</sup> is hurried to punishment who secured the evidence of the universal plot; why should he <sup>d</sup> feel any confidence who took care that these things should be brought to light and disclosed? Those who shared his counsels, his assistants and comrades, are being attacked; what may the authors, the leaders, the chief men, expect? And would that those who are my enemies and the enemies of all the honourable men with me would (judge <sup>e</sup>) whether all

<sup>b</sup> C. Antonius who led the army against Catiline. Condemned in 59 for maladministration in Macedonia.

<sup>c</sup> Flaccus, who secured from the Allobroges the evidence that convicted the conspirators.

<sup>d</sup> Cicero.

<sup>e</sup> Reading *assistent* with Madvig.

omnes boni duces nostri an comites fuerint ad communem conservandam salutem . . .

*Fragmenta ab A. Maio in Codice Vaticano reperta*

Strangulatos maluit dicere.

Quod sibi meus necessarius Caetra voluit . . .

Quid vero Decianus ?

Utinam esset proprie mea ! Senatus igitur magna ex parte . . .

Di, inquam, immortales ! Lentulum<sup>1</sup> . . .

*Fragmentum Mediolanense<sup>2</sup>*

\* externum, cum domestica vita naturaue constaret Itaque non patiar, D. Laeli, te tibi hoc sumere atque hanc ceteris in posterum, nobis in praesens tempus legem condicionemque . . .

Cum adolescentiam notaris, cum reliquum tempus aetatis turpitudinis maculis consperseris, cum privatarum rerum ruinas, cum domesticas lases, cum urbanam infamiam, cum Hispaniae, Galliae, Ciliciae, Cretae, quibus in provinciis non obscure versatus est, vitia et flagitia protuleris, tum denique quid Tmolitae

<sup>1</sup> these five fragments are preserved in the Vatican Scholia (Scholiasta Bobiensis, p. 95).

<sup>2</sup> from the Codex Ambrosianus R. 57.

<sup>a</sup> Rather than say they (the conspirators) were executed.

<sup>b</sup> Unknown. <sup>c</sup> A prosecutor פרוקדוס תרעא Iustus.

<sup>d</sup> du Mesnil suggests completing מִי הָיָה לִי כֵּן thus: "Would that the credit were really mine. The senate, however, chiefly influenced by his authority, voted that those who were preparing destruction for the fatherland should be subjected to the most severe punishment."

our good men were at that time leaders or comrades for preserving the common safety . . .

*Fragments found by Cardinal Angelo Mai in a Vatican manuscript*

He prefers to say they were strangled.<sup>a</sup>

What does my friend Caetra<sup>b</sup> wish ?

What about Decianus ?<sup>c</sup>

Would that it were really mine ! The senate therefore, chiefly . . .<sup>d</sup>

Ye immortal gods, I say . . . Lentulus . . .

*The Milan fragment*

. . . of strangers,<sup>e</sup> since his private life and character were well known. And so I will not allow you, Decimus Laelius, to assume this and . . . this rule and regulation for others in the future, for us at present . . .

When you shall brand his youth, when you shall stain the rest of his life with the smirches of disgrace, when you shall drag to light the ruin of his private fortunes, his personal shame, his infamous conduct in the city, the crimes and outrages committed in Spain, Gaul, Cilicia, Crete, provinces in which he played no obscure part, then finally we shall learn what the

<sup>a</sup> du Mesnil's suggestion is . " It was fitting in destroying him to disregard that argument among strangers, since his private life and character are well known. And so I will not allow you, Decimus Laelius, to assume this and to lay down this rule and regulation for others in the future, for us at present that we should disregard the rest of a defendant's life and take note only of that time in which the matter under consideration falls."

et Lorymeni de L. Flacco existiment audiemus Quem vero tot tam gravesque provinciae saluum esse cupiant, quem plurimi cives tota ex Italia devincti necessitudine ac vetustate defendant, quem haec communis nostrum omnium patria propter recentem summi beneficii memoriam complexa teneat, hunc etiamsi tota Asia deposcit ad supplicium, defendam, resistam. Quid ? Si neque tota neque<sup>1</sup> per optimos neque per incorruptos neque sua sponte nec iure nec more nec vere nec religiose nec integre ? Si iniuria, si sollicitata, si concitata, si coacta, si impie, si temere, si cupide, si inconstanter nomen suum misit in hoc iudicium per egentissimos testes, ipsa autem nihil queri vere de iniuriis potest, tamenne, iudices, haec ad breve tempus audita longinqui temporis cognitarum rerum fidem derogabunt ? Tenebo igitur hunc ordinem defensor quem fugit inimicus, et accusatorem urgebo atque insequar et ultro crimen ab adversario flagitabo. Quid est, Laeli ? Num quid ea . . . qui quidem non in umbra neque in illius aetatis disciplinis artibusque versatus est ? Etenim puer cum patre consule ad bellum est profectus. Nimirum etiam hoc ipso nomine aliquid quia sus . . .

<sup>1</sup> the *ms.* reads neque optimos neque incorrupt: per is supplied twice by du Mesnil.

\* Unimportant villages in Lydia and Caria.

people of Tmolus and Loryma<sup>a</sup> think of Lucius Flaccus. But that man whom so many important provinces hope will be saved, whom very many citizens from all Italy, united to him by bonds of long-standing friendship, are defending, whom our country, the mother of us all, is holding in her embrace because of the memory of his impressive service recently rendered her, him I shall protect and defend though all Asia demands his punishment. What? Further, suppose all Asia is not making the demand, nor through the best people, nor those who are themselves incorrupt; what if they are not acting of their own will, nor in accord with law and custom, nor with truth, nor righteously and honourably? If dishonestly, if at the request and instigation of others, if under compulsion, if dishonourably, without due consideration, inspired by greed, or capriciously, Asia has allowed her name to be invoked in this trial by poverty-stricken witnesses, while she can make no truthful complaint of her injuries; still, are these statements, gentlemen, heard for only a brief time, nevertheless to disparage the reputation for deeds that are known over a long period of years? Therefore I shall as his advocate follow the course which his opponent avoids and I shall attack and pursue his prosecutor and of my own accord demand an accusation from my opponent. What of this, Laelius? Did these . . . anything . . . for he was not in retirement nor did he engage in the training and the pursuits customary at his age? For as a youth he went to war under his father, the consul. Of course, because even under this very head . . . something . . .

## CICERO

### *Fragmenta ab A. Maio in codice Vaticano reperta*

Sed si neque Asiae luxuries infirmissimum tempus aetatis . . .

Ex hoc aetatis gradu se ad exercitum C. Flacci patui contulit.

Tribunus militaris cum P. Servilio gravissimo et sanctissimo cive profectus

Quorum amplissimis iudiciis ornatus quaestor factus est .

M. Pisone, qui cognomen frugalitatis, nisi accepisset, ipse peperisset . . .

Idem novum bellum suscepit atque confecit

Non Asiae testibus, sed accusatoris contubernalibus traditus . .<sup>1</sup>

### *Fragmenta Cusana*

Versutissimum hominem et in fallendo exercitissimum

Quid est in testimonio vestro praeter libidinem, praeter audaciam, praeter amentiam, cum fortissimi et ornatissimi viri et ipsa victoria sit testis ?

Nec mediocrem in re militari virtutem, iudices

Defendo fortem egregiumque virum, magni animi, summi laboris, optimi consilii.

Multis ab adolescentia in bellis variisque ~~versatum~~ atque imprimis bonum ductorem et hominem ut vere dicam corpore, animo, studio, consuetudine natum atque aptum ad tempora belli militareque rationem.

Huic hominum generi maiores nostri sic parcendum, iudices, arbitrabantur ut eos non modo in invidia,

<sup>1</sup> these seven fragments are from the Vatican Scholia (Scholiasta Bobiensis, p. 96).

## PRO FLACCO

### *Fragments found by Cardinal Angelo Mai in a Vatican manuscript*

But if neither the gaiety of Asia the most susceptible time of his life. . . .

At this time of his life he transferred to the army of his uncle Gaius Flaccus.

He set out as a military tribune with the very distinguished and honourable citizen Publius Servilius.

Honoured by their most favourable opinions he was elected quaestor.

From Marcus Piso, who would have himself won the surname Frugi (Honest) if he had not accepted it, and himself hatched . . .

He also undertook and concluded a new war.

Delivered over, not to the witnesses from Asia, but to the intimate associates of his prosecutor . . .

### *Fragments from the manuscript of Nicolas of Cusa*

A very shifty man well practised in deceit.

What is there in your testimony save wantonness, effrontery, madness, when the victory itself of the very brave and distinguished man is a witness?

And no mean excellence in arms, gentlemen.

I am defending a brave and noble man, a man of great spirit, unusual industry, excellent wisdom.

Engaged in many wars of various character from youth up, both a particularly good leader and a man—to speak truly—born and equipped, by his physique, his disposition, his interests and his habits for the exigencies of war and military science.

Our ancestors thought, gentlemen, that this class of men should be shown so much consideration that they defended them, not only when they were in an



verum etiam in culpa defenderent : itaque non solum recte factis eorum praemia sed etiam delictis veniam dare solebant.

Exsurgite, quaeso, viri optimi atque fortissimi legati amplissimae atque honestissimae civitatis, resistite per deos immortales eorum penuriis iniuriisque quorum saepenumero telis restitistis.

Homo omnibus ornamentis virtutis et existimationis praeditus, qui mihi videtur quasi quoddam exemplar pristinae gravitatis et monimentum antiquitatis in re publica divinitus reservari <sup>1</sup>

Quam benevolum hunc populo Romano, quam fidelem putatis ?<sup>2</sup>

Ingenita levitas et erudita vanitas.<sup>3</sup>

- 6 III. Hunc igitur virum, Laeli, quibus tandem rebus oppugnas ? Fuit P. Servilio imperatore in Cilicia tribunus militum ; ea res siletur. Fuit M. Pisoni quaestor in Hispania ; vox de quaestura missa nulla est. Bellum Cretense ex magna parte gessit atque una cum summo imperatore sustinuit ; muta est huius temporis accusatio. Praeturae iuris dictio, res varia et multiplex ad suspiciones et simultates, non attingitur. At vero in summo et periculosissimo rei publicae tempore etiam ab inimicis eadem praetura laudatur. At a testibus laeditur. Antequam dico a quibus, qua spe, qua vi, qua re concitatus tua levitate, qua egestate, qua perfidia, qua audacia praeditis, dicam de genere universo et de condicione omnium nostrum. Per deos immortales ! iudices, vos, quo

<sup>1</sup> these eight fragments are from the Codex of Nicolas of Cusa C. 14 (now 52).

<sup>2</sup> quoted by *Arusian.*, *Mess. K.* vii. 458.

<sup>3</sup> quoted by *St. Jerome on Galatians*, i. 3.

<sup>a</sup> 79 B.C.

<sup>b</sup> Q. Metellus Creticus.

invidious position, but even when they were in the wrong ; so they were wont not only to reward their meritorious actions, but also to pardon their faults

Rise, I pray you, noble men, brave envoys of a state most splendid and most honoured, by the immortal gods resist the lies and the insults of those men whose weapons you have many times withstood.

A man possessed of all the rewards of virtue and fame who seems to me to be preserved in the state by divine providence, one may say, as a pattern of old-time dignity and a memorial of a bygone age.

How kind do you think he was to the Roman people—how faithful ?

Frivolity is a matter of birth, deceit of education.

III And so, Laelius, on what grounds are you attacking this man ? He was military tribune under Publius Servilius in Cilicia. No mention is made of this. He was quaestor to Marcus Piso in Spain. Not a word is uttered about his quaestorship. He had a large share in the war in Crete,<sup>a</sup> and bore the brunt of it along with a very illustrious general.<sup>b</sup> Accusation is mute about that service. His administration of justice as praetor—a varied task open in many ways to suspicion and hatred—is not mentioned. On the contrary, at a time fraught with the very grave danger to the state this same praetorship is praised even by his enemies. But, you object, it is attacked by the witnesses. Before I say who these witnesses are, by what hope, what compulsion, what method procured, what fickleness, what poverty, what treachery, and what boldness they possess, I will speak of their general character and of the situation in which we all are. By the immortal

modo is qui anno ante Romae ius dixerat, anno post in Asia ius dixerit, a testibus quacretis ignotis, ipsi coniectura nihil iudicabitis? In tam varia iuris dictione tam multa decreta, tot hominum gratiosorum laesae voluntates. quae est umquam iacta non suspicio (quae tamen solet esse falsa), sed iracundiae vox aut  
 7 dolours? Et is est reus avaritiae qui in uberrima re turpe compendium, in maledicentissima civitate, in suspiciosissimo negotio maledictum omne, non modo crimen effugit? Praetereo illa quae praetereunda non sunt, nullum huius in privatis rebus factum avarum, nullam in re pecuniaria contentionem, nullam in re familiari sordem posse proferri. Quibus igitur testi-  
 8 bus ego hosce possum refutare nisi vobis? Tmolites ille vicanus, homo non modo nobis sed ne inter suos quidem notus, vos docebit qualis sit L. Flaccus? Quem vos modestissimum adolescentem, provinciae maximae sanctissimum virum, vestri exercitus fortissimum militem, diligentissimum ducem, temperatissimum legatum quaestoremque cognoverunt, quem vos praesentes constantissimum senatorem, iustissimum praetorem, amantissimum rei publicae civem  
 9 iudicavistis? IV. De quibus vos alios testes esse debetis, de iis ipsi alios testes audietis? At quos testes? Primum dicam, id quod est commune, Graecos; non quo nationi huic ego unus maxime fidem derogem. Nam si quis umquam de nostris hominibus a genere isto studio ac voluntate non

gods, gentlemen, will you inquire of unknown witnesses how he administered justice in Asia the year after he administered justice in Rome, and make no judgement from probability yourselves? In such a varied administration of justice, when there were so many edicts, when the wishes of so many influential men were thwarted, what, I will not say suspicion (it is usually false), but what expression of anger or grief was ever uttered? And is he accused of avarice, who in the midst of luxury avoided unjust profit, who in a state given over to slander, in a business most subject to suspicion, escaped all slander, to say nothing of a criminal charge? I omit to mention other things that really should not be omitted—that no act of greed committed by him in private relations, no dispute over financial affairs, no stain on his private life, can be produced. What witnesses can I produce to refute these men except you? Shall that villager from Tmolus—unknown not only to us but even to his neighbours—teach *you* what sort of a man is Lucius Flaccus? A man whom you have known as the most sedate of youths, whom the most important provinces have known as an upright man, your armies as a very brave soldier, a most energetic leader, a most reasonable lieutenant and quaestor, a man whom you of your own knowledge have judged to be a most conscientious ~~scout~~ praetor, a very just praetor and a citizen most devoted to the state? IV. Will you listen to other witnesses about those matters regarding which you yourselves should be witnesses to others? But what witnesses are they? First I will say this—it applies to all of them—they are Greeks. It is not that I alone would especially impugn the honour of that people. For if anyone of our people was ever not un-

abhorrens fuit, me et esse arbitror et magis etiam  
 tum cum plus erat otii fuisse. Sed sunt in illo numero  
 multi boni, docti, prudentes, qui ad hoc iudicium  
 deducti non sunt, multi impudentes, illiterati, leves,  
 quos variis de causis video concitatos. Verum tamen  
 hoc dico de toto genere Graecorum: tribuo illis  
 litteras, do multarum artium disciplinam, non adimo  
 sermonis leporem, ingeniorum acumen, dicendi  
 copiam, denique etiam, si qua sibi alia sumunt non  
 repugno; testimoniorum religionem et fidem num-  
 quam ista natio coluit, totiusque huiusce rei quae sit  
 10 vis, quae auctoritas, quod pondus, ignorant. Unde  
 illud est: "da mihi testimonium mutuum"? Num  
 Gallorum, num Hispanorum putatur? Totum istud  
 Graecorum est, ut etiam qui Graece nesciunt hoc  
 quibus verbis a Graecis dici soleat sciant. Itaque  
 videte quo vultu, qua confidentia dicant; tum intel-  
 legetis qua religione dicant. Numquam nobis ad  
 rogatum respondent, semper accusatori plus quam  
 ad rogatum, numquam laborant quem ad modum  
 probent quod dicunt, sed quem ad modum se expli-  
 cent dicendo. Iratus Flacco dixit M. Lurco, quod ut  
 ipse aiebat, libertus erat eius turpi iudicio condem-  
 natus. Nihil dixit quod laederet, cum ~~cuperet~~; im-  
 pediebat enim religio; tamen id quod dixit quanto  
 11 cum pudore, quo tremore et pallore dixit! Quam  
 promptus homo P. Septimius, quam iratus de iudicio  
 et de vilico! Tamen haesitabat, tamen eius ira-

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<sup>a</sup> Δάνεισόν μοι μαρτυρίαν.

sympathetic to that race in interest and disposition, I think that I was, and that I was even more so while I had more leisure. But there are among them many honourable, learned, wise men, who have not been brought to this trial, there are many shameless, ignorant, shifty men, who have, I see, been instigated for various reasons. Still thus I can say of the whole race of Greeks. I grant them literature, I grant them a knowledge of many arts, I do not deny the charm of their speech, the keenness of their intellects, the richness of their diction; finally, if they make other claims I do not deny them. but truth and honour in giving testimony that nation has never cherished; the meaning, the importance, the value of this whole matter they know not. Whence comes that saying, "Testify 10 for me and I'll testify for you"? It isn't thought to be Gallic, is it? or Spanish? It is so entirely Greek that even those who do not understand Greek know the Greek words for this expression.<sup>a</sup> So see with what an expression, with what effrontery, they speak; then you will understand with what regard for truth they speak. They never answer our questions; for the prosecutor they always answer more than they are asked, they never trouble to prove what they say but only to make a display of themselves by talking. Marcus Lurco gave evidence, incensed against Flaccus because, ~~as~~ <sup>as</sup> he himself said, his freedman had been convicted in a case involving disgrace. He gave no evidence which would harm him, though he desired to do so, for his regard for truth prevented him. Still, that which he did say, with what earnestness did he say it! How he trembled! How pale he became! What an impulsive man is Publius Septimius, how angry he was about the trial and about his steward! Yet he kept hesitating, and his respect for truth con-

cundiae religio non numquam repugnabat. Inimicus M Caelus, quod cum in re manifesta putasset nefas esse publicanum iudicare contra publicanum, sublatus erat e numero recipiatorum, tamen tenuit se neque attulit in iudicium quicquam ad laedendum nisi voluntatem

V. Hi si Graeci fuissent, ac nisi nostri mores ac disciplina plus valeat quam dolor ac simulas, omnes se spoliatos, vexatos, fortunis eversos esse dixissent. Graecus testis cum ea voluntate processit ut laedat, non iuris iurandi, sed laedendi verba meditatur; vinci, refelli, coargui putat esse turpissimum; ad id se parat, nihil curat aliud. Itaque non optimus quisque nec gravissimus, sed impudentissimus loquatur. Vos autem in privatis minimarum rerum iudiciis testem diligenter expenditis; etiamsi formam hominis, si nomen, si tribum nostis, mores tamen exquirendos putatis. Qui autem dicit testimonium ex nostris hominibus, ut se ipse sustentat, ut omnia verba moderatur, ut timet ne quid cupide, ne quid iracunde, ne quid plus minusve quam sit necesse dicat! Num illos item putatis, quibus ius iurandum locus est, testimonium ludus, existimatio tenebrae, laus, merces, gratia, gratulatio proposita est omnis in impudenti mendacio? Sed non dilatabo orationem meam; etenim potest esse infinita, si mihi libeat totius gentis in testimoniis dicendis ex-

tinually conquered his anger. Marcus Caelus was Flaccus's enemy because he had been stricken from the list of arbiters—Caelus had thought it wrong for a tax-collector to sit in judgement on a tax-collector in a perfectly clear case. Still he controlled himself and brought to the trial nothing to harm Flaccus except the desire to do so.

V If these men had been Greeks, and if our habits and training had not prevailed over their resentment and hatred, they would all have affirmed that they had been despoiled, persecuted, turned out of their property. A Greek witness takes the stand with the intention of doing harm, he does not think of the worth of his oath but of words that may injure; to be beaten, to be refuted, to be worsted in an argument, he regards as a disgrace; he protects himself against this and cares for naught else. So it is that each witness selected is not the best and most influential man but the most pert and most talkative. But you, even in a private case of the least importance, scrutinize the witness carefully; even if you are acquainted with his appearance, his name, his tribe, still you think you should examine his character. Moreover, when anyone of our nation gives testimony, how he restrains himself, how he weighs all his words, how he fears that he may say something prompted by desire or by ~~anger~~, that he may say more or less than is necessary! You do not think they are like that, do you, these men to whom an oath is a joke; testimony, a game; reputation, empty shadows; for whom fame, profit, favour, goodwill all depend on shameless lying? But I will not expand my speech; it would never come to an end if I cared to describe completely the untrustworthiness of this whole people.



phicare levitatem. Sed propius accedam; de his nostris testibus dicam.

- 13 Vehementem accusatorem nacti sumus, iudices, et inimicum in omni genere odiosum ac molestum; quem spero his nervis fore magno usui et amicis et rei publicae; sed certe inflammatus incredibili cupiditate hanc causam accusationemque suscepit. Qui comitatus in inveniundo! Comitatum dico; immo vero quantus exercitus! quae iactura, qui sumptus, quanta largitio! Quae quamquam utilia sunt causae, timide tamen dico, quod vereor ne Laelius ex his rebus quas sibi suscepit gloriae causa putet aliquid oratione mea sermonis in sese aut invidiae esse quaesitum.

- VI. Itaque hanc partem totam relinquam; tantum a vobis petam, iudices, ut, si quid ipsi audistis communi fama atque sermone de vi, de manu, de armis, de copis, memineritis, quarum rerum invidia lege hac recenti ac nova certus est inquisitioni comi-
- 14 tum numerus constitutus. Sed ut hanc vim omittam, quanta illa sunt, quae quoniam accusatorio iure et more sunt facta, reprehendere non possumus, queri tamen cogimur! Primum quod distributis partibus sermo est tota Asia dissipatus Cn. Pompeium, quod L. Flacco esset vehementer inimicus, contendisse a Laelio, paterno amico ac pernecessario, ut hunc hoc iudicio arcesseret, omnemque ei suam auctoritatem, gratiam, copias, opes ad hoc negotium conficiendum detulisse. Id hoc veri similis Graecis hominibus

in the giving of testimony. But I will come to closer grips I will speak of our own witnesses.

We have an energetic prosecutor, gentlemen, and 13 a foe in every way vindictive and bitter. I hope because of this energy he will be of great use to both his friends and the state ; but certainly he was inflamed with an unbelievable cupidity when he undertook this case and this prosecution. What a crowd engaged in the investigation ! I say a crowd, I should have said what an army, what an outlay, what expense, what a lavish distribution ! Although these things are helpful for my case, still I speak with reserve, because I fear that Laelius may think that by my speech some criticism and envy has been directed against him because of the things which he undertook for the sake of winning distinction.

VI So I shall omit all that part. I shall only ask of you, gentlemen, that if you have heard any rumour and loose talk about violence, force, arms, and troops, you will remember it ; because of the ill-feeling resulting from these things a new law recently passed has fixed the number of participants allowed to a commission collecting evidence. But to pass over 14 this violence, how important were those acts which we are forced to deplore though we cannot condemn them, since they were done in accordance with the privilege and practice common to prosecutors ! First, because by parcelling out the country the report was spread through all Asia that Gnaeus Pompey, because he was a violent enemy of Lucius Flaccus, had urged Laelius, a friend and close connexion of his father, to bring Flaccus to this trial, and that he was using all his influence, favour, power, and resources to accomplish this end. This seemed more

videbatur, quod paulo ante in eadem provincia familiarem Laelium Flacco viderant. Pompei autem auctoritas cum apud omnes tanta est quanta esse debet, tum excellit in ista provincia quam nuper et praedonum et regum bello liberavit. Adiunxit illa, ut eos qui domo exire nolebant testimonii denuntiatione teneret, qui domi stare non poterant, largo et  
 15 liberali viatico commovebat. Sic adulescens ingenii plenus locupletes metu, tenues praemio, stultos erore permovit; sic sunt expressa ista praeclara quae recitantur psephismata non sententis neque auctoritatibus declarata, non iure iurando constricta, sed porrigenda manu profundendoque clamore multitudinis concitatae.

VII. O morem praeclarum disciplinamque quam a maioribus accepimus, siquidem teneremus<sup>1</sup> sed nescio quo pacto iam de manibus elabitur. Nullam enim illi nostri sapientissimi et sanctissimi viri vim contionis esse voluerunt; quae scisceret plebes aut quae populus iuberet, summota contione, distributis partibus, tributim et centuriatim discriptis ordinibus, classibus, aetatibus, auditis auctoribus, re multos dies promul-  
 16 gata et cognita iuberi vetarique voluerunt. Graecorum autem totae res publicae sedentis contionis temeritate administrantur. Itaque ut nunc Graeciam quae iam diu suis consiliis perculsa et afflicta est omittam, illa vetus quae quondam opibus, imperio,

<sup>1</sup> Mithridates and Tigranes.

<sup>2</sup> The resolutions for which Cicero expresses his contempt were the records of votes taken *viva voce* in the local Greek town meetings.

<sup>3</sup> Contrasted with the Roman assemblies whose members stood.

plausible to Greeks, because a little while before in this same province they had seen Laelius on familiar terms with Flaccus. Besides, the influence of Pompey, while it was as great with all as it should be at that time, was pre-eminent in that province which he had lately set free by defeating the pirates and the kings<sup>a</sup>. Another means employed to inspire terror was a threat to subpoena those who did not wish to leave home. Those who were bankrupt he encouraged by a liberal and generous travelling allowance. So this resourceful young man influences the 15 rich by fear, the poor by bribes, the fools by deception. So were extracted those notable resolutions<sup>b</sup> which are offered in evidence—resolutions not supported by votes nor by constituted authority nor sanctioned by oath, but decided by a show of hands and the vociferous howls of an excited mob.

VII. What a glorious custom and practice we inherited from our forefathers—if only we had retained it! But somehow or other it is now slipping from our hands. No, gentlemen! they were wise and scrupulous men, and they gave no power to the mass meeting, such was their will. The commons passed their bill, the people passed their law; but first the mass meeting was dismissed, areas were assigned, orders, classes, ages were apportioned separately in their ~~own~~ <sup>own</sup> tribes and centuries, the supporters of the act were heard, the text was published and studied for weeks—then whatever those two bodies passed as law was commanded or forbidden—such was their will. But all the states of the Greeks are managed by irre- 16 sponsible seated<sup>c</sup> assemblies. And so, not to discuss this later Greece, which has long been troubled and vexed by its own devices, that older Greece,

gloria floruit, hoc uno malo concidit, libertate immoderata ac licentia contionum. Cum in theatro imperiti homines rerum omnium rudes ignaque consederant, tum bella inutilia suscipiebant, tum seditiosos homines rei publicae praeficiebant, tum  
 17 optime meritos civis e civitate eiciebant. Quodsi haec Athenis tum cum illae non solum in Graecia sed prope cunctis gentibus enitebant accidere sunt solita, quam moderationem putatis in Phrygia aut in Mysia contionum fuisse? Nostias contiones illarum nationum homines plerumque perturbant; quid, cum soli sint ipsi, tandem fieri putatis? Caesus est virgis Cymaeus ille Athenagoras qui in fame frumentum exportare erat ausus. Data Laelio contio est. Processit ille et Graecus apud Graecos non de culpa sua dixit, sed de poena questus est. Porrexerunt manus; psephisma natum est. Hoc testimonium est? Nuper epulati, paulo ante omni largitione saturati Pergameni, quod Mithridates qui multitudinem illam non auctoritate sua, sed sagina tenebat se velle dixit, id sutores et zonarii conclamarunt. Hoc testimonium est ~~civitas~~? Ego testes a Sicilia publice deduxi; verum erant ea testimonia non concitatae contionis, sed iurati senatus  
 18 Quare iam non est mihi contentio cum teste: vobis videndum est sintne haec testimonia putanda.

VIII. Adulescens bonus, honesto loco natus, diser-

which once was so notable for its resources, its power, its glory, fell because of this defect alone—the undue freedom and irresponsibility of its assemblies. Untried men, without experience in any affairs and ignorant, took their places in the assembly and then they undertook useless wars, then they put factious men in charge of the state, then they drove most deserving citizens out of the country. But if these 17 things were wont to happen at Athens at a time when Athens was pre-eminent, not only in Greece, but in almost the whole world, what chance of considered action do you think there was in the assemblies in Phrygia or in Mysia? Men of those nations often throw our own assemblies into confusion. What, pray, do you think happens when they are by themselves? Athenagoras of Cyme was flogged because he dared to export grain during a famine. An assembly was granted to Laelius. Athenagoras came forward and, being a Greek among Greeks, he did not speak of his crime but complained of his punishment. They raised their hands—a Greek decree was born. Is this evidence? People of Pergamum lately feasted, and a little earlier surfeited with all sorts of largesse—these shoemakers and the belt-makers approved with their shouts the proposal which Mithridates said he wanted; for he controlled that crowd, not by his influence, but by stuffing them with food. Is this the recorded will of a state? I brought back witnesses from Sicily at public expense; but it was the testimony, not of a frenzied assembly, but of a senate under oath. So now I have no dispute with a particular witness. You must decide whether or 18 not this ought to be regarded as evidence at all.

VIII. An excellent young man born in a high

- tus cum maximo ornatissimoque comitatu venit in oppidum Graecorum, postulat contionem, locupletes homines et graves ne sibi adversentui testimonii denuntiatione deterret, egentes et leves spe legationis et viatico publico, privata etiam benignitate prolectat. Opifices et tabernarios atque illam omnem faecem civitatum quid est negotii concitare, in eum praesertim qui nuper summo cum impendio fuit, summo autem in amore esse propter nomen ipsum
- 19 imperii non potuerit? Miandum vero est homines eos quibus odio sunt nostrae secures, nomen acerbitati, scriptura, decumae, portorium morti, libenter adipere facultatem laedendi quaecumque detui! Mementote igitur, cum audietis psephismata, non audire vos testimonia, audire temeritatem vulgi, audire vocem levissimi cuiusque, audire strepitum imperitorum, audire contionem concitatam levissimae nationis. Itaque perscrutamini penitus naturam rationemque criminum; iam nihil praeter speciem, nihil praeter terrorem ac minas reperietis.
- 20 IX. "In aerario nihil habent civitates, nihil in vectigalibus." Duae rationes conficiendae pecuniae, aut versura aut tributo; nec tabulae creditoris proferuntur nec tributum confectio ulla recitatur. Quam vero facile falsas rationes inferre et in tabulas quodcumque commodum est referre soleant, ex Cn. Pompei litteris ad Hypsaeum et Hypsaei ad Pompeium missis, quaeso, cognoscite.

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\* P. Plautius Hypsaeus, quaestor to Pompey in the third war with Mithridates.

station, eloquent, comes with a large and elaborate suite into a Greek town. He asks for an assembly, he prevents the wealthy and the influential men from opposing him by threatening to summon them as witnesses. He tempts the needy and the fickle by the hope of a junket and expenses paid from the public funds and even by private liberality. What trouble is it to inflame artisans and shopkeepers and all those dregs of the country, especially against a man who lately had the highest office but who could not inspire the deepest affection because of the odious name of his supreme authority? It is remarkable how 19 gladly those men to whom our symbols of power are hateful, our name bitter, to whom the pasture tax, the tithe, the port-dues are death, how gladly they seize the chance for retaliation when it is offered! Remember, then, when you hear Greek decrees that you are not listening to evidence; you are listening to the vagaries of a mob, you are listening to the utterance of fickle men, you are listening to the uproar of the ignorant, you are listening to a frenzied assembly of the most fickle of nations. And so examine with great care the nature and the truth of the accusations; you will at once find nothing but a sham, nothing but terror and threats.

IX. "The states have nothing in the treasury, 20 nothing in their revenues." There are two ways of procuring money—by borrowing or by tribute: no accounts of a creditor are offered, nor is any levy of tribute introduced in evidence. But how readily they are wont to bring in falsified accounts, and to enter whatever is convenient in the account-books, learn from the letter of Gnaeus Pompey sent to Hypsæus<sup>a</sup> and his reply to Pompey.



*Litterae Pompei et Hypsaei*

Satisne vobis coaguerie his auctoribus dissolutam Graecorum consuetudinem licentiamque impudentem, videmur? Nisi forte qui Cn. Pompeium, qui praesentem, qui nullo impellente fallebant, eos uigente Laelio in absentem et in L. Flaccum aut  
 21 timidos fuisse aut religiosos putamus. Sed fuerint incorruptae litterae domi; nunc vero quam habere auctoritatem aut quam fidem possunt? Triduo lex ad praetorem deferri, iudicum signis obsignari iubet; tricesimo die vix deferuntur. Ne corrumpi tabulae facile possint, idcirco lex obsignatas in publico poni voluit; at obsignantur corruptae. Quid refert igitur, tanto post ad iudices deferantur, an omnino non deferantur?

X. Quid? Si testium studium cum accusatore sociatum est, tamenne isti testes habebuntur? Ubi est igitur illa expectatio, quae versari in iudicis solet? Nam antea, cum dixerat accusator acriter et vehementer, cumque defensor suppliciter demisseque responderat, tertius ille erat expectatus locus testium, qui aut sine ullo studio dicebant aut cum dissimula-  
 22 tione aliqua cupiditatis. Hoc vero quid est? Una sedent, ex accusatorum subsellis surgunt, non dis-

*The letters of Pompey and Hypsæus are  
offered in evidence*

Do you, think we have offered sufficient proof by these documents of the corrupt practice of the Greeks and their impudent effrontery? Unless perhaps we are going to think that those who, with no one to urge them, deceived Gnaeus Pompey in his very presence, have become timid or scrupulous about deceiving Lucius Flaccus in his absence at the instigation of Laelius. Granted that the account- 21  
books were not tampered with in Asia, what weight or credibility can they have now? The law provides that they should be brought to the praetor within three days and be sealed with the seals of the judges. It was at least thirty days before they were delivered. The law, moreover, provided that the accounts be placed sealed in the public records that it might not be easy to falsify them; but these had been falsified before they were sealed. What difference does it make, then, that they were delivered to the judges so late, or whether they were delivered to them at all?

X. Then again if the witnesses and the prosecutor are close partners, are they still to be considered as witnesses? What, then, has become of that eager expectation which is usual at trials? For formerly, when the prosecutor had spoken with shrewdness and energy, and when the defendant had replied with deference and modesty, the third part, the testimony of the witnesses, was commonly expected. They spoke either with boldness or with some attempt to conceal their designs. Be what is the situation 22  
now? They sit with the prosecutor. They arise from his benches, there is no attempt at concealment or

simulant, non verentur. De subsellis queror; una ex domo prodeunt; si verbo titubaverint, quo revertantur non habebunt. An quisquam esse testis potest, quem accusator sine cura interroget nec metuat ne sibi aliquid quod ipse nolit respondeat? Ubi est igitur illa laus oratoris quae vel in accusatore antea vel in patrono spectari solebat. "bene testem interrogavit; callide accessit, reprehendit, quo voluit adduxit; convicit et elinguem reddidit"?

23 Quid tu istum roges, Laeli, qui, priusquam hoc "TE rogo" dixeris, plura etiam effundet quam tu ei domi ante praescripseris? Quid ego autem defensor rogem? Nam aut oratio testium refelli solet aut vita laedi. Qua disputatione orationem refellam eius qui dicit: "dedimus," nihil amplius? In hominem dicendum est igitur, cum oratio argumentationem non habeat. Quid dicam in ignotum? Querendum est ergo et deplorandum, id quod iam dudum facio, de omni accusationis iniquitate, primum de communi genere testium; dicit enim natio minime in testimonio dicendis religiosa. Propius accedo; nego esse ista testimonia quae tu<sup>1</sup> psephismata appellas sed fremitum egentium et motum quendam temerarium Graeculae contionis. Intrabo etiam magis. Qui gessit non adest, qui numerasse dicitur non est

<sup>1</sup> all the MSS. with a single exception read ipse after tu: ipse was deleted by Pitygers.

\* The witnesses were living on the bounty of the prosecutor—at his house, Cicero affirms. If this testimony did not satisfy the prosecutor they would promptly be turned out of doors.

show of fear I complain about the benches ! The witnesses come with the prosecutor from his house. If they make a mistake in a single word of testimony, they have no lodgings to which they may return. Can anyone be a witness whom the prosecutor questions without anxiety and has no fear that he may give him an unwelcome answer ?<sup>a</sup> What, then, has become of that commendation for the orator which used formerly to be given to the prosecutor or the defending counsel, "He questioned the witness shrewdly, he approached him cleverly, he led him on just where he wished, he got the answers he wanted, he made him contradict himself and struck him dumb" ? What were you going to ask that witness, 23 Laelius, who, before you could say "I'm going to ask you . . ." will pour out a flood of information even greater than you had directed him to give earlier at your home ? But what am I, the counsel for the defence, to ask him ? For it is usual either to cross-examine the testimony of witnesses or to damage their reputations. With what questions am I to refute the statements of him who says "We gave him the money"—and nothing more ? So I must attack the witness, since his testimony offers no basis for argument. What shall I say against an unknown person ? I must, therefore, deprecate and deplore, as I have long been doing, the entirely unjust character of the whole accusation ; first in regard to the general character of the witnesses, for a nation is giving evidence which has no religious scruples at all in giving testimony. I come to closer grips. I deny that what you call decrees are testimony at all. It is a howl of the needy, a kind of chance emotion of a Greek assembly. I will come to still closer quarters. The man who conducted the business is not present, the man who is alleged to have counted out the money

deductus ; privatae litterae nullae proferuntur, publicae retentae sunt in accusatorum potestate , summa est in testibus ; hi vivunt cum inimicis, adsunt  
 24 cum adversarius, habitant cum accusatoribus. Utium hic tandem disceptationem et cognitionem veritatis an innocentiae labem aliquam aut ruinam fore putatis ? Multa enim sunt eius modi, iudices, ut, etiamsi in homine ipso de quo agitur negligenda sint, tamen in conditione atque in exemplo pertimescenda videantur

XI Si quem infimo loco natum, nullo splendore vitae, nulla commendatione famae defenderem tamen civem a civibus communis humanitatis iure ac misericordia deprecarer, ne ignotis testibus, ne incitatis, ne accusatoris consessoribus, convivis, contubernalibus, ne hominibus levitate Graecis, crudelitate barbaris civem ac supplicem vestrum dederetis, ne periculosam imitationem exempli reliquis in  
 25 posterum proderetis. Sed cum L. Flacci res agatur, ex ea familia, cuius<sup>1</sup> qui primus consul est factus primus in hac civitate consul fuit, cuius virtute regibus exterminatis libertas in re publica constituta est, quae usque ad hoc tempus honoribus imperiis rerum gestarum gloria continuata permansit, cumque ab hac perenni contestataque virtute maiorum non modo non degeneraverit L. Flaccus, sed id quod maxime florere in generis sui gloria viderat. laudem patriae in liber-

<sup>1</sup> the MSS. read agatur cuius. the phrase ex ea familia is Madvig's suggestion.

has not been brought here, no private letters have been offered as evidence, the public documents were retained in the possession of the prosecutors; the whole thing rests on witnesses—they are living with the enemies of Flaccus, they came here with his prosecutors, they stay at the lodgings of his accusers. Pray 24 do you think this will be a discussion and an examination of truth or the destruction and ruin of innocence? For there are many things of such a kind, gentlemen, that they should be feared in general and as precedents, though they could be neglected in the case of the man who is on trial.

XI. If I were defending a man of low birth, of no distinction, with no reputation to commend him, but still a citizen, I would beg of you as citizens, in the name of common humanity and in the name of pity, not to surrender a citizen and your suppliant to unknown and suborned witnesses, the assistants, guests and intimates of the prosecutor, to men who are Greek in their fickleness and savages in their cruelty, lest you establish a dangerous precedent for others in after time. But since Lucius Flaccus is 25 being tried, a man belonging to a family whose first consul was the first consul elected in this state, by whose courage the kings were expelled and liberty established in the republic, a family which has continually, even up to the present time, maintained its distinguished record of achievements in offices of honour and military commands, and since Lucius Flaccus has not only not been false to the continuous and well-attested virtue of his ancestors, but as praetor has much preferred the renown of establishing his fatherland in its liberty because he saw that such a policy above all bore fair fruit in the glory of his clan—

tatem vindicandae praetor adamavit, in hoc ego reo ne quod perniciosum exemplum prodatur pertimescam, in quo, etiamsi quid errasset, omnes boni co-  
 26 nivendum esse arbitrarentur? Quod quidem ego non modo non postulo, sed contra, iudices, vos oro et obtestor, ut totam causam quam maxime intentis oculis, ut aiunt, acerrime contemplemini. Nihil religione testatum, nihil veritate fundatum, nihil dolore expressum, contraque omnia corrupta libidine, iracundia, studio, pretio, perurio reperientur.

27 XII Etenim iam universa istorum cognita cupiditate accedam ad singulas querellas criminationesque Graecorum Classis nomine pecuniam civitatibus imperatam queruntur. Quod nos factum, iudices, confitemur Sed si hoc crimen est, aut in eo est quod non licuerit imperare, aut in eo quod non opus fuerit navibus, aut in eo quod nulla hoc praetore classis navigarit. Licuisse ut intellegas, cognosce quid me consule senatus decreverit, cum quidem nihil a superioribus continuorum annorum decretis disces-

*Senatus consultum*

Proximum est ergo ut opus fuerit classe necne quaeramus. Utrum igitur hoc Graeci statuent aut ullae exterae nationes, an nostri praetores, nostri duces, nostri imperatores? Equidem existimo in eius modi regione atque provincia quae mari cincta,

in the case of this defendant should I fear that any bad precedent would be established? No, for in his case, even if he had committed an error, all respectable men would have thought that it should be condoned. But I not only do not ask that, gentlemen, but on the 26 contrary, I beg and beseech you to the best of your ability to examine the whole case most closely and with steady eyes, as the saying goes. Nothing will be found affirmed on sacred honour, nothing based on truth, nothing asserted with real feeling, but on the contrary everything will be discovered to be befouled with lust, passion, partisanship, bribery, perjury.

XII For now that their greed on all occasions is 27 known, I will proceed to the particular complaints and accusations made by the Greeks. They complain that money was demanded of the states as a contribution to the fleet. We admit that this was done, gentlemen. But if this is a crime, it is so because it was not lawful to make the requisition, or because ships were not needed, or because no fleet put to sea while he was praetor. That you may be quite clear that it was lawful, listen to what the senate voted while I was consul, though in fact it differs not at all from the previous decrees of the senate for several years in succession.

• *The decree of the senate is read*

The next step, then, is to inquire whether or not a fleet was needed. Would this be for the Greeks or other foreign nations to decide, or would our praetors, our leaders, our generals decide it? Indeed, I think in a district and province of this kind, which is girt by the



- portibus distincta, insulis circumdata esset, non solum praesidi sed etiam ornandi imperii causa
- 28 navigandum fuisse. Haec enim ratio ac magnitudo animorum in maioribus nostris fuit, ut cum in privatis rebus suisque sumptibus minimo contenti tenuissimo cultu viverent, in imperio atque in publica dignitate omnia ad gloriam splendoremque revocarent. Quaeritur enim in re domestica continentiae laus, in publica dignitatis. Quodsi etiam praesidi causa classem habuit, quis erit tam iniquus qui reprehendat? "Nulli erant praedones." Quid? Nullos fore quis praestare poterat? "Minus," in-
- 29 quit, "gloriam Pompei." Immo tu auges molestiam. Ille enim classes praedonum, urbes, portus, receptacula sustulit, pacem maritimam summa virtute atque incredibili celeritate confecit; illud vero neque suscepit neque suscipere debuit ut, si qua uspiam navicula praedonum apparuisset, accusandus videretur. Itaque ipse in Asia cum omnia iam bella terra marique confecisset, classem tamen isdem istis civitatibus imperavit. Quod si tum statuit opus esse cum ipsius praesentis nomine tuta omnia et pacata esse poterant, quid, cum ille decessisset, Flacco existimatis statuendum et faciendum fuisse? XIII. Quid? Nos hic nonne ipso Pompeio auctore Silano et Murena consulibus decrevimus ut classis in Italia navigaret? Nonne eo ipso tempore cum L. Flaccus in Asia remiges imperabat, nos hic in mare superum et inferum sestertium ter et quadragiens erogabamus?

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<sup>a</sup> Pompey had, supposedly, annihilated the pirates.

<sup>b</sup> 62 B.C.

sea, dotted with ports and surrounded by islands, that we were forced to control the sea, not only in order to guard the coast, but also to keep the empire properly equipped. For our ancestors had such moderation 28 and such dignity that, though they lived in the greatest frugality, content with very little in their private establishments and expenses, in the government and in the dignity of the state their only standard was glory and display. For in private life praise for self-control is sought, in public life praise for dignity. But if he levied the fleet for protection, who will be so unfair as to blame him? The objection is raised "There were no pirates." What? Who could guarantee that there would be none? "You are detracting from the glory of Pompey,"<sup>a</sup> he says. Rather you are increasing his troubles. For he 29 destroyed the fleets of the pirates, their cities, ports, hiding-places. He brought peace to the sea with the greatest gallantry and unbelievable speed. He did not, however, guarantee this—nor should he—that he would assume the blame if any piratical craft should later appear anywhere. And so he himself, after he had brought to an end all wars in Asia on land and sea, nevertheless levied a fleet from these same cities. But if Pompey decided that a fleet was needed then, when everything could be kept safe and peaceful by the knowledge of his presence, what do you think Flaccus should have planned and done after Pompey had departed? XIII. What? <sup>b</sup>Did we not here at the 30 suggestion of Pompey himself, in the consulship of Silanus and Murena, vote that the fleet in Italy should put to sea? At that very time when Lucius Flaccus was recruiting rowers in Asia were we not here in Rome spending four million three hundred thousand

Quid? Postero anno nonne M. Curtio et P. Sextilio quaestoribus pecunia in classem est erogata? Quid? Hoc omni tempore equites in ora maritima non fuerunt? Illa enim est gloria divina Pompei, primum praedones eos qui tum cum illi bellum maritimum gerendum datum est toto mari dispersi vagabantur redactos esse omnes in potestatem, deinde Syriam esse nostram, Ciliciam tenei, Cyprium per Ptolemaeum regem nihil audere, praeterea Cretam Metelli virtute esse nostram, nihil esse unde profisciscantur, nihil quo revertantur, omnes sinus, promunturia, litora, insulas, urbes maritimas claustris imperii  
 31 nostri contineri. Quodsi Flacco praetore nemo in mari praedo fuisset, tamen huius diligentia reprehendenda non esset. Idcirco enim quod hic classem habuisset, existimarem non fuisse. Quid? Si L. Eppi, L. Agri, C. Caesti, equitum Romanorum, huius etiam clarissimi viri, Cn. Domiti, qui in Asia tum legatus fuit, testimonio doceo eo ipso tempore quo tu negas classem habendam fuisse, complures a praedonibus esse captos, tamen Flacci consilium in remigibus imperandis reprehendetur? Quid si etiam occisus est a piratis Adramyttenus homo nobilis, cuius est fere nobis omnibus nomen auditum, Atyanas pugil Olyra-pionices? Hoc est apud Graecos, quoniam de eorum gravitate dicimus, prepe maius et gloriosius quam Romae triumphasse. "At neminem cepisti." Quam multi orae maritimae clarissimi viri praefuerunt qui, cum praedonem nullum cepissent, mare tamen tutum

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"About \$200,000 or £40,000.

sesterces <sup>a</sup> on the Adriatic and Tuscan seas? Again, was not money spent on the fleet the next year, when Marcus Curius and Publius Sextilius were quaestors? Again, during all this time was not cavalry stationed along the coast? For this is the superhuman glory of Pompey, first that he brought into subjection all those pirates who, at the time the maritime war was entrusted to his direction, were wandering at large over the whole sea, secondly, that Syria is ours, Cilicia is held fast, Cyprus dares not move because of King Ptolemy and Crete is ours by the valour of Metellus. There is no base and no refuge for the pirates, all the bays, promontories, shores, islands, coastal cities are held by the barriers of our empire. But if when Flaccus was praetor <sup>31</sup> there had been not a single pirate on the sea, still his caution would not be blameworthy. For indeed I should think that his possession of a fleet was the very cause there was no pirate. Again, if I show by the testimony of Lucius Eppius, of Lucius Agrius, Gaius Caestius, Roman knights, and also by the testimony of this famous man, Gnaeus Domitius, who was then a lieutenant in Asia, that at the very time when you affirm that a fleet was unnecessary many people had been captured by pirates, would Flaccus's conduct in requisitioning rowers still be blameworthy? What even if a man of Adramyttium of noble birth was killed by the pirates—his name is known to most of you—Atyanas, a victor in boxing at Olympia? Among the Greeks—since we have spoken of how they value things—this is considered almost greater and more glorious than a triumph at Rome. “But you captured nobody.” How many famous men have there been in charge of the sea coast who rendered the sea safe

praestiterunt? Casus est enim in capiēdo, locus, eventus, occasio; defendendi facilis est cautio, non solum latibulis occultorum locorum, sed etiam tem-  
 32 pestatum moderatione et conversione. XIV Reliquum est ut quaeratur utrum ista classis cūsu et remis, an sumptu tantum et litteris navigarit. Num id igitur negari potest, cuius rei cuncta testis est Asia, bipertito classem distributam fuisse, ut una pars supra Ephesum, altera infra Ephesum navigaret? Hac classe M. Crassus, vir amplissimus, ab Aeno in Asiam, his navibus Flaccus ex Asia in Macedoniam navigavit. In quo igitur praetoris est diligentia requirenda? In numero navium et in descriptione aequali sumptus? Dimidium eius quo Pompeius erat usus imperavit; num potuit parcius? Dispersit autem pecuniam ad Pompei rationem, quae fuit accommodata L. Sullae descriptioni. Qui cum omnes Asiae civitates pro portione in provincias dispersisset, illam rationem in imperando sumptu et Pompeius et Flaccus secutus est. Neque est adhuc tamen ea  
 33 summa completa. "Non refert." Vero; quid lucretur? Cum enim onus imperatae pecuniae suscipit, id quod tu crimen esse vis constituitur. Qui igitur probari potest in ea pecunia non referenda crimen sibi ipsum facere, in qua crimen esset nullum si referret? At enim negas fratrem meum, qui L. Flacco successerit, pecuniam ullam in remiges imperasse. Equidem Q. fratris mei laude delector,

without capturing any pirates ? For chance plays a large part in effecting a capture, as do situation, incidents, opportunity; a defence is easily provided for, not only by secret retreats in hidden localities, but also by the shifting and changing of the winds XIV. It 32 remains now to inquire whether that fleet put to sea with sails and oars, or whether it sailed only on paper out of their pockets This, then, cannot be denied, can it, all Asia is a witness to it—that the fleet was so divided into two squadrons that the one cruised above Ephesus, the other below ? In this fleet that distinguished man, Marcus Crassus, sailed from Aenus to Asia ; in these ships Flaccus sailed from Asia to Macedonia. In what, then, can shortcoming be found in the diligence of the praetor ? In the number of the ships and in the equable division of the expense ? He requisitioned half the number Pompey had used. He could not have been more economical, could he ? Moreover, he apportioned the expense according to the allotment of Pompey, which was based on the distribution of Lucius Sulla. Since Sulla had divided all the states of Asia proportionally into classes, both Pompey and Flaccus followed his method in dividing the expense. And still the entire amount has not yet been made up. “ He gives no account of it ” True ; what would he gain by doing so ? For 33 by undertaking the responsibility for levying the money he admits that which you wish to call a crime. How, then, can it be proved that he is committing a crime because he gives no account of this money, when there would be no question of a crime if he had given an account ? But you say that my brother who succeeded Lucius Flaccus levied no money for rowers. I am indeed delighted with this commendation of my

sed aliis magis gravioribus atque maioribus. Aliud quiddam statuit, aliud vidit; existimavit, quocumque tempore auditum quid esset de praedonibus, quam vellet subito classem se comparaturum. Denique hoc primus frater meus in Asia fecit ut hoc sumptu remigum civitates levaret; crimen autem tum videri solet, cum aliquis sumptus instituit eos qui antea non erant instituti, non cum successor aliquid immutat de institutis priorum. Flaccus quid alii postea facturi essent scire non poterat, quid fecissent videbat

- 34 XV. Sed, quoniam de communi totius Asiae crimine est dictum, adgrediar iam ad singulas civitates; ex quibus sit sane nobis prima civitas Acmonensis. Citat praeco voce maxima legatos Acmonenses. Procedit unus Asclepiades. Prodeant. Etiamne praekonem mentiri coegisti? Est enim, credo, is vir iste ut civitatis nomen sua auctoritate sustineat, damnatus turpissimis iudicis domi, notatus litteris publicis; cuius de probris, adulteris ac stupris exstant Acmonensium litterae, quas ego non solum propter longitudinem, sed etiam propter turpissimam obscenitatem verborum praetereundas puto. Dixit publice data drachmarum  $\overline{\text{ccv}}$ . Dixit tantum, nihil ostendit, nihil protulit; sed adiunxit, id quod certe, quoniam erat domesticum, docere debuit, se privatum drachmarum  $\overline{\text{ccv}}$  dedisse. Quantum sibi ablatum homo impudentissimus dicit, tantum numquam est ausus
- 35 ut haberet optare. Ab A. Sextilio dicit se dedisse

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<sup>a</sup> About \$40,000 or £8,000. This is one-fifth of the total mentioned earlier (p. 398).

brother Quintus, but I should prefer other commendations more serious and more important. He decided otherwise, he took a different view, he thought that whenever there was any news of the pirates he could prepare a fleet as quickly as he wished. In short, my brother was the first in Asia to relieve the states of the expense of rowers; but then a crime usually is thought to be committed when someone levies a tax for the first time, not when a successor changes some of the arrangements of his predecessors. Flaccus could not know what others who came after him would do, he saw what his predecessors had done.

XV. But since I have spoken about the common charge that concerned all Asia, I will deal now with the separate states. Of these let us take first the state Acmonia. The clerk at the top of his voice summons the representatives from Acmonia. Just one, Asclepiades, comes forward. Let *them* come forward. Have you forced even the clerk to lie? For I suppose this is the man chosen to support the reputation of his state by his weighty influence, a man condemned at home by the most disgraceful convictions, branded in the public reports. There are letters from Acmonia regarding his crimes, adulteries, and incests which I think should be omitted, not only because of their length, but also because of the foul obscenity of their contents. He said that the state contributed two hundred and six thousand drachmae.<sup>a</sup> He only said so, he gave no proof, he brought no witnesses. But he added—a thing of which certainly it was right for him to inform us, since it was personal—that he gave personally two hundred and six thousand drachmae. The impudent fellow says that an amount was taken from him such as he never dared to hope to have. He



et a suis fratribus. Potuit dare Sextilius ; nam fratres quidem consortes sunt mendicitatis. Audiamus igitur Sextilium ; fratres denique ipsi prodeant ; quam volent impudenter mentiantur et, quod numquam habuerint, dedisse se dicant ; tamen aliquid fortasse coram producti dicent in quo reprehendantur. “ Non deduxi,” inquit, “ Sextilium.” Cedo tabulas. “ Non deportavi.” Fratres saltem exhibe. “ Non denuntiavi.” Quod ergo unus Asclepiades, fortuna egens, vita turpis, existimatione damnatus, impudentia atque audacia fretus sine tabulis, sine auctore iecerit, id nos  
 36 quasi crimen aut testimonium pertimescemus ? Idem laudationem quam nos ab Acmonensibus Flacco datam proferebamus falsam esse dicebat. Cuius quidem laudationis iactura exoptanda nobis fuit. Nam ut signum publicum inspexit praeclarus iste auctor suae civitatis, solere suos cives ceterosque Graecos ex tempore quod opus sit obsignare dixit. Tu vero tibi habeto istam laudationem ; nec enim Acmonensium testimonio Flacci vita et dignitas nititur. Das enim mihi quod haec causa maxime postulat nullam gravitatem, nullam constantiam, nullum firmum in Graecis hominibus consilium, nullam denique esse testimonii fidem. Nisi vero hactenus ista formula testimonii atque orationis tuae describi ac distingui potest ut Flacco absenti aliquid civitates tribuisse dicantur;

says that he paid it through Aulus Sextilius and through his own brothers. Sextilius could have given it, but his brothers were all his partners in beggary. Let us listen first to Sextilius, then let the brothers appear, let them lie to their hearts' content, and let them say they gave what they never had. Still, when they appear personally as witnesses perhaps they will make some statement in which they can be caught. "I didn't bring Sextilius," he says. Produce the accounts. "I didn't bring them either." At least put your brothers on exhibition. "I didn't notify them." Are we, then, going to fear, as if it were an accusation or a sworn declaration, this statement tossed at us by a single individual, Asclepiades, a pauper, a low-lived person, without reputation, relying on his impudence and his effrontery, without written evidence and with no one to support his statements? This same person said that the public testimonial was spurious which was given to Flaccus by the people of Acmonia and introduced by us in evidence. Indeed, I had hoped to lose that testimonial. For when this noble defender of his country saw the state seal he said that his fellow-citizens and the Greek states in general signed for the moment's needs. So keep your public testimonial; for the life and the standing of Flaccus do not rest on the testimony of the people of Acmonia. For you are giving me the evidence which this case most needs, that there is no dignity, no reliability, no steadfast purpose in the Greeks and, finally, no trustworthiness in their testimony. Unless indeed that formula which governs the evidence and your speech can be expressed and marked precisely enough to say that the states have granted some favour to Flaccus in his absence;

Laelio praesenti per se agenti vi legis, iure accusationis, opibus praeterea suis terrenti ac minanti nihil temporis causa scripsisse aut obsignasse videantur

- 37 XVI. Equidem in minimis rebus saepe res magnas vidi, iudices, deprehendi ac teneri, ut in hoc Asclepiade. Haec quae est a nobis prolata laudatio ob-signata erat creta illa Asiatica quae fere est omnibus nota nobis, qua utuntur omnes non modo in publicis sed etiam in privatis litteris quas cotidie videmus mitti a publicanis, saepe uni cuique nostrum. Neque enim testis ipse signo inspecto falsum nos proferre dixit, sed levitatem totius Asiae protulit, de qua nos et libenter et facile concedimus. Nostra igitur laudatio, quam ille temporis causa nobis datam dicit (datam quidem confitetur), consignata creta est; in illo autem testimonio quod accusatori dicitur datum
- 38 ceram esse vidimus. Hic ego, iudices, si vos Acmonensium decretis, si ceterorum Phrygum litteris per-moveri putarem, vociferarer et quam maxime possem contenderem, testarer publicanos, excitarem negotiatores, vestram etiam scientiam implorarem; cera deprehensa confiderem totius testimonii fictam audaciam manifesto comprehensam atque oppressam teneri. Nunc vero non insultabo vehementius nec

\* A white, plastic earth mentioned by Herodotus, ii. 38.

<sup>b</sup> The wax could more easily be removed and replaced without detection than could the Asiatic clay.

but for Laelius, who was present in person, who was acting in his own interests supported by the strength of the law and the rights of a prosecutor, and who, besides, was using his own resources as a means of terrorizing and threatening, for him they seem not to have written or sealed anything even for the sake of expediency

XVI Indeed, gentlemen, I have often seen great plots caught and detected by petty details, as in the case of this Asclepiades. This public testimonial which was offered to you in evidence was sealed with that Asiatic clay <sup>a</sup> which is known to almost all of us. Everybody uses it in both public and private letters, such as we see every day sent by the tax-collectors and such as we all often send. Now the witness himself when he had seen the seal did not say that we were producing a forgery, but he affirmed that all Asia was untrustworthy—a thing which we cheerfully and readily admit. And so our public testimonial which he says was given to us for the sake of expediency (he does admit it was given) was sealed with Asiatic clay. But on the testimonial which he says was given to the prosecutor we see that wax was used. If I thought, gentlemen, that you were influenced by the resolutions of the people of Acmonia or the letters of the other peoples of Phrygia, I should make a great noise at this point and I should be as earnest as possible. I should call the tax-collectors to give evidence. I should summon the traders. I should appeal to your own knowledge. Because of the discovery that wax had been used, I would be confident that the bold deception employed in this testimony would be clearly detected and suppressed.<sup>b</sup> But now I will not scoff too bitterly nor fly into a passion at this insult,

volitabo in hoc insolentius neque in istum nugatorem tamquam in aliquem testem invehar neque in toto Acmonensium testimonio, sive hic confictum est, ut apparet, sive missum domo est, ut dicitur, commovebor Etenim quibus ego laudationem istam remittam, quoniam sunt, ut Asclepiades dicit, leves, horum testimonium non pertimescam.

- 39 XVII. Venio nunc ad Dorylensium testimonium; qui producti tabulas se publicas ad Speluncas perdidisse dixerunt O pastores nescio quos cupidos litterarum, siquidem nihil istis praeter litteras abstulerunt! Sed aliud esse causae suspicamur, ne forte isti parum versuti esse videantur. Poena est, ut opinor, Dorylai gravior quam apud alios falsarum et corruptarum litterarum Si veras protulissent, criminis nihil erat, si falsas, erat poena. Bellissimum  
40 putarunt dicere amissas Quiescant igitur et me hoc in lucro ponere atque aliud agere patiantur Non sinunt Supplet enim iste nescio qui et privatim dicit se dedisse. Hoc vero ferri nullo modo potest. Qui de tabulis publicis recitat iis quae in accusatoris potestate fuerunt, non debet habere auctoritatem; sed tamen iudicium fieri videtur, cum tabulae illae ipsae, cuicuiusmodi sunt, proferuntur. Cum vero is quem nemo vestrum vidit umquam, nemo qui mortalis esset audivit, tantum dicit: "dedi," dubitabitis,

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<sup>a</sup> A town in Phrygia.

<sup>b</sup> The robbers.

nor fall upon this trifier as I would on some witness, nor will I be influenced at all in the whole matter of the testimony of the people of Acmonia, whether it be forged—as is apparent—or sent from that town, as is said. For I shall not fear the testimony of these men to whom I shall return that testimonial, since they are, as Asclepiades says, untrustworthy.

XVII. I come now to the testimony of the people of Dorylaeum<sup>a</sup>. When they were introduced they said they had lost the public records near Speluncae. How greedy for literature these shepherds, these nobodies,<sup>b</sup> were, since they took nothing from these men but the records<sup>c</sup>! But we suspect another motive—they might, perhaps, not appear quite so stupid. There is a heavier penalty as I think at Dorylaeum than elsewhere for forging and falsifying documents. If they had produced the true records, they would be open to no accusation, if they produced forged records, punishment awaited them. They thought it a most lovely idea to say the records were lost! So let them remain silent, and let them allow me to regard this as a piece of good luck and to devote myself to something else. No, they do not permit that. For some contemptible nobody adds a new twist by saying he privately gave them the evidence. But it is not possible to put up with this at all. Any man who reads evidence out of public documents which have been in the hands of the prosecutor should have no influence; but still there is some semblance of a judicial process, when the records themselves, of whatever sort they are, are produced. But when a person whom none of you ever saw, of whose existence no human being ever even heard, says merely: "I gave the evidence," will you hesi-

iudices, quin ab hoc ignotissimo Phryge nobilissimum civem vindicetis? Atque huc eidem nuper tres equites Romani honesti et graves, cum in causa liberali eum qui asserebatur cognatum suum esse diceret, non crediderunt. Qui hoc evenit ut, qui locuples testis doloris et sanguinis sui non fuerit, idem  
 41 sit gravis auctor iniuriæ publicæ? Atque hic Dorylensis nuper cum efferretur magna frequentia conventuque vestio, mortis illius invidiam in L. Flaccum Laelius conferebat. Facis iniuste, Laeli, si putas nostro periculo vivere tuos contubernales, praesertim cum tua negligentia factum arbitremur. Homini enim Phrygi qui arborem numquam vidisset fiscinam ficorum obiecisti. Cuius mors te aliqua re levavit; edacem enim hospitem amisisti; Flacco vero quid profuit? Qui valuit tam diu dum huc prodiret, mortuus est aculeo iam emisso ac dicto testimonio. At istud columnen accusationis tuae, Mithridates, posteaquam biduum retentus testis a nobis effudit quae voluit omnia, repressus, convictus fractusque discessit, ambulat cum lorica; metuit homo doctus et sapiens, ne L. Flaccus nunc se scelere alihget, cum iam testem illum effugere non possit, et qui ante dictum testimonium sibi temperavit, cum tamen aliquid assequi posset, is nunc id agat ut ad falsum aversionis testimonium verum malefici crimen adiungat. Sed

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\* Authorities differ on the question of whether an overdose of figs—fresh or dried—would be fatal to one unaccustomed to that diet. The figs were actually given and the man died. Whether the figs were the cause of the death, as Cicero suggests, will never be known.

tate, gentlemen, to rescue from this utterly unknown Phrygian an admirable Roman citizen? And lately three Roman knights, honourable and serious men, did not believe this same man when, in a case involving a man's freedom, he said the man on trial was his kinsman. How does it happen that he who was not a credible witness for his own grievance and his own kin is at the same time an influential authority on an injury to the state? And when this 41 person from Doxylaeum was lately carried out to burial attended by a great throng and concourse of your people, Laelius laid the odium of his death upon Lucius Flaccus. You are quite wrong, Laelius, if you think that the life or death of your comrades involves us in any risk, especially when we think his death happened through your carelessness. For you threw a basket of figs to the Phrygian who had never seen a fig-tree!<sup>a</sup> His death was at least some relief to you, for you lost a voracious guest; but what did it profit Flaccus? The man who was valuable only as long as he was coming forward with evidence—is dead; his sting was extracted, his evidence given. But that chief glory of your prosecution, Mithridates, after we had detained him two days as a witness, disgorged everything he had to say and withdrew, censured, convicted, a broken man. He walks about in a coat of mail. This wise and learned man is afraid that now Lucius Flaccus will compromise himself by crime, since he can no longer escape this witness, and that Flaccus, who restrained himself before the testimony against himself was given even though he thought he could still accomplish something, is now so acting as to add a true accusation of positive injury to the false testimony of greed. But since Quintus Hortensius



quoniam de hoc teste totoque Mithridatico crimine disseruit subtiliter et copiose Q. Hortensius, nos, ut instituumus, ad reliqua pergamus

- 42 XVIII. Caput est omnium Graecorum concitantorum, qui cum accusatoribus sedet, Herachdes ille Temnites, homo ineptus et loquax, sed ut sibi videtur, ita doctus ut etiam magistrum illorum se esse dicat. At, qui ita sit ambitiosus ut omnis vos nosque cotidie persalutet, Temni usque ad illam aetatem in senatum venire non potuit et qui se artem dicendi traditurum etiam ceteris profiteatur, ipse omnibus turpissimis
- 43 iudiciis victus est. Pari felicitate legatus una venit Nicomedes, qui nec in senatum ulla condicione pervenire potuit et furti et pro socio damnatus est. Nam princeps legationis, Lysania, adeptus est ordinem senatorium, sed cum rem publicam nimium amplecteretur, peculatus damnatus et bona et senatorium nomen amisit. Hi tres etiam aerarii nostri tabulas falsas esse voluerunt; nam servos novem se professi sunt habere, cum omnino sine comite venissent. Decreto scribendo primum video adfuisse Lysaniam, cuius fratris bona, quod populo non solvebat, praetore Flacco publice venierunt. Praeterea Philppus est, Lysaniae gener, et Hermobius, cuius frater Pollis item pecuniae publicae est condemnatus. XIX. Dicunt se Flacco et iis qui simul essent drachmarum
- 44 cccc lxx dedisse. Cum civitate mihi res est acerrima et conficientissima litterarum, in qua nummus commoveri nullus potest sine quinque praetoribus,

<sup>a</sup> A town in Mysia on the Hermus.

<sup>b</sup> Admission to a local senate was usually secured early in life. Cicero implies that Herachides had not attained this petty distinction even late in life.

<sup>c</sup> About \$3000 or £600

has spoken conclusively and fully about this witness and the whole charge of Mithridates, let us go on as we intended to other subjects.

XVIII. The chief man in instigating all the Greeks —he is sitting with the prosecutors—is Heraclides yonder of Temnus,<sup>a</sup> a silly talkative fellow, but, as he himself thinks, so learned that he even says he is their teacher. But this man, who is so eager for recognition that he daily salutes all of you and us, could not secure admission to the senate at Temnus even at his time of life,<sup>b</sup> and he who claims that he could teach others the art of speaking was himself convicted on all sorts of disgraceful charges. Nicomedes came with him as a delegate—an equally fortunate man, who could not get into the senate on any condition, and who has been convicted of theft and defrauding a partner. For the head of the delegation, Lysania, did, indeed, attain the senatorial rank, but when he devoted himself too closely to public business, he was convicted of embezzlement and lost both his property and his rank as senator. These three have good reason to wish that the records of our treasury were false, for they deposed that they had nine slaves though they had come without a single companion. I see that Lysania was first to witness to the record. His brother's property was sold at public auction when Flaccus was praetor, because he could not discharge a debt to the state. Besides these, there is Philippus, the son-in-law of Lysania, and Hermobius, whose brother Pollis has also been convicted of embezzlement XIX They say they gave to Flaccus and to those with him fifteen thousand diachmae <sup>c</sup> I am dealing with a state most shrewd and detailed in its accounting, in which not a cent could be transferred without the approval of five

tribus quaestoribus, quattuor mensariis, qui apud illos a populo creantur. Ex hoc tanto numero deductus est nemo, et cum illam pecuniam nominatim Flacco datam referant, maiorem aliam cum huic eidem darent in aedem sacram reficiendam se perscripsisse dicunt, quod minime convenit. Nam aut omnia occulte referenda fuerunt aut aperte omnia. Cum perscribunt Flacco nominatim, nihil timent, nihil verentur; cum operi publico referunt, idem homines subito eundem quem contempserant pertimescunt. Si praetor dedit, ut est scriptum, a quaestore numeravit, quaestor a mensa publica, mensa aut ex vectigali aut ex tributo. Numquam erit istuc simile criminis, nisi hanc mihi totam rationem omni et personarum genere et litterarum explicaris.

- 45 Vel quod est in eodem decreto scriptum, homines clarissimos civitatis amplissimis usos honoribus hoc praetore circumventos, cur hi neque in iudicio adsunt neque in decreto nominantur? Non enim credo significari isto loco illum qui se erigit Heiachdam. Utrum enim est in clarissimis civibus is quem iudicatum hic duxit Hermippus, qui hanc ipsam legationem quam habet non accepit a suis civibus, sed usque Tmolopetivit, cui nullus honos in sua civitate habitus est umquam, res autem ea quae tenuissimis committebatur huic una in vita commissam sola est? Custos Aufidio praetore in frumento publico est positus; pro quo

praetors, three quaestors, four bankers, who among those people are chosen by popular assemblies. Of all that number not a single one has been produced, and though they claim that that money was given to Flaccus personally, they say that they entered in the accounts another large sum which they also gave to him for the repair of a shrine. This is not consistent. For either all the payments should have been made secretly, or all openly. When they paid Flaccus privately they did not fear nor distrust him at all, but when they assigned the money to a public work these same men suddenly became thoroughly afraid of the man whom they had formerly regarded with indifference. If the praetor did pay it—as the record shows it was counted out to him by a quaestor, the quaestor had it from a public bank, the bank had it from an ordinary tax or from tribute. There will be no semblance of an accusation here, unless you explain to me the entire transaction with every detail of person and account involved.

Or since it is written in this same decree that the most eminent men of the state who had enjoyed the greatest distinctions were cheated by this praetor, why are they not present at the trial and why are they not named in the decree? I don't suppose he means by that description Heracles, who is rising in his place. He isn't among the illustrious citizens, is he?—this man whom Hermippus brought here detained under judgement for debt, who did not get that position as delegate from his fellow-citizens but begged it at Tmolus, who never held any office in his own state, but only such business as is entrusted to the humblest of men was ever delegated to him in all his life. He was put in charge of the public grain-supply

- cum a P. Varinio praetore pecuniam accepisset, celavit suos civis ultroque us sumptum intulit. Quod posteaquam Temni litteris a Varinio missis cognitum atque patefactum est, cumque eadem de re Cn. Lentulus, qui censor fuit, Temnitarum patronus, litteras misisset, Heraclidam istum Temni postea nemo vidit.
- 46 Atque ut eius impudentiam perspicere possitis, causam ipsam quae levissimi hominis animum in Flaccum incitavit, quaeso, cognoscite

- XX Fundum Cymaeum Romae mercatus est de pupillo Meculonio. Cum verbis se locupletem faceret, haberet nihil praeter illam impudentiam quam videtis, pecuniam sumpsit mutuam a Sex. Stloga, iudice hoc nostro, primario viro, qui et rem agnoscit neque hominem ignorat; qui tamen credidit P. Fulvi Nerati, lectissimi hominis, fide. Ei cum solveret, sumpsit a C. M. Fufiis, equitibus Romanis, primariis viris. Hic hercule "cornici oculum," ut dicitur. Nam hunc Hermippum, hominem eruditum, civem suum, cui debebat esse notissimus, percussit. Eius enim fide sumpsit a Fufiis. Securus Hermippus Temnum perficitur, cum iste se pecuniam quam huius fide sumpserat a discipulis suis diceret Fufiis persoluturum.
- 47 Habebat enim rhetor iste adolescentis quosdam locu-

<sup>a</sup> Aeolian Cyme in Asia Minor.

<sup>b</sup> The Latin saying is literally, "A crow plucks out the eye of a crow." *Macr. Sat.* vii. 5.

by the praetor. Titus Aufidius When he received funds from the praetor Publius Varinus for that purpose, he concealed it from his fellow-citizens and charged them for the expense besides. After this was known and disclosed at Temnus by a letter from Varinus, and when Gnaeus Lentulus, who was censor, and patron of the people of Temnus, had written about the same thing, no one thereafter saw this rascal Heraclides at Temnus. And that you may be able to understand his shamelessness, listen, I pray you, to the cause which aroused the anger of this trifling person against Flaccus.

XX. At Rome Heraclides bought an estate at Cyme<sup>a</sup> from an orphan Meculonius Since he pretended to be rich, though he had nothing, except that impudence which you see, he borrowed the money from Sextus Stloga, one of our jurors here, an excellent man who both understood the business and was not ignorant of the man. Still Stloga made the loan on the surety of another excellent man, Publius Fulvius Neratus. Heraclides secured funds from Gaius and Marcus Fufius, Roman knights, both distinguished and excellent men, and paid Stloga. Here, by Hercules, is a case of the proverbial "dog eat dog."<sup>b</sup> For Heraclides swindled Hermippus here, a learned man, his own fellow-citizen, who should have been thoroughly acquainted with him. It was on his endorsement that Heraclides got the money from the Fufii. Hermippus, care-free, set out for Temnus, while this rascal Heraclides said he would repay the Fufii the money which he had received on the endorsement of Hermippus from funds secured from his pupils. For this professor of oratory did have some rich young pupils, whom he

pletis, quos dimidio redderet stultiores quam acceperat; ne minem tamen adeo infatuare potuit ut ei nummum ullum crederet. Itaque cum Roma clam esset profectus multosque minutis mutuacionibus fraudavisset, in Asiam venit Hermippoque percontanti de nomine Fufiano respondit se omnem pecuniam Fufis persolvisse. Interim, neque ita longo intervallo, libertus a Fufis cum litteris ad Hermippum venit; pecunia petitur ab Hermippo. Hermippus ab Herachida petit, ipse tamen Fufis satis facit absentibus et fidem suam liberat; hunc aestuantem et tergiversantem iudicio ille persequitur. A recu-  
 48 peratoribus causa cognoscitur. Nolite existimare, iudices, non unam et eandem omnibus in locis esse fraudatorum et infitiatorum impudentiam. Fecit eadem omnia quae nostri debitores solent; negavit sese omnino versuram ullam fecisse Romae; Fufiorum se adfirmavit numquam omnino nomen audisse; Hermippum vero ipsum, pudentissimum atque optimum virum, veterem amicum atque hospitem meum, splendidissimum atque ornatissimum civitatis suae, probis omnibus maledictisque vexavit. Sed cum se homo volubilis quadam praecipiti celeritate dicendi in illa oratione iactaret, repente testimoniis Fufiorum nominibusque recitatis homo audacissimus pertimuit, loquacissimus obmutuit. Itaque recuperatores contra istum rem minime dubiam prima actione iudicaverunt. Cum iudicatum non faceret, addictus Hermippo et ab hoc ductus est.

made half as stupid again as they were when he received them, but he never could beguile any of them to the stupidity of lending him a penny. So when he had secretly left Rome after cheating many persons out of small loans, he arrived in Asia, and when Hermippus questioned him on the debt owed to the Fufi, he said he had paid them the whole amount. Meanwhile, shortly after, there came a freedman from the Fufi with a letter for Hermippus asking him to repay them the money. Hermippus demands it of Heraclides ; but, meanwhile, pays the Fufi, who are of course at Rome, and so redeems the endorsement he had given them, and when Heraclides began to waver and squirm he brought suit against him. The case is heard before arbiters. Do not imagine, 48 gentlemen, that the impudence of liars and cheats is not one and the same in all places. He acted just as our debtors are wont to act : he said he had conducted no reborrowing at all at Rome ; he said he had never even heard the name of Fufius. He heaped all sorts of insults and curses on Hermippus himself, who is a careful and honourable gentleman, an old friend and guest of mine, the most illustrious and distinguished man of his state. But when the talkative person was showing off in his speech with a sort of headlong rush of words, the deposition of the Fufi and the items were unexpectedly produced and the most impudent man in the world was smitten with fear, the most talkative man in the world fell silent. And so the arbiters, since there was no doubt about the case, found against him in the first action. When he could not pay the judgement-debt he was handed over to Hermippus who took him into custody.



- 49 XXI. Habetis et honestatem hominis et auctoritatem testimonii et causam omnem simultatis. Atque is ab Hermippo missus, cum ei pauca mancipia vendidisset, Romam se contulit, deinde in Asiam rediit, cum iam frater meus Flacco successisset. Ad quem adiit causamque ita detulit, recuperatores vi Flacci coactos et metu falsum invitos iudicavisse. Frater meus pro sua aequitate prudentiaque decrevit ut, si iudicatum negaret, in duplum iret; si metu coactos diceret, haberet eosdem recuperatores. Recusavit et, quasi nihil esset actum, nihil iudicatum, ab Hermippo ibidem mancipia quae ipse ei vendiderat petere coepit. M. Gratidius legatus, ad quem est adiitum, actionem se daturum negavit; re iudicata
- 50 stari ostendit placere. Iterum iste, cui nullus esset usquam consistendi locus, Romam se rettulit; persequitur Hermippus, qui numquam istius impudentiae cessit. Petit Heraclides a C. Plotio senatore, viro primario, qui legatus in Asia fuerat, mancipia quaedam quae se, cum iudicatus esset, per vim vendidisse dicebat. Q. Naso vir ornatissimus, qui praetor fuerat, iudex sumitur. Qui cum sententiam secundum Plotium se dicturum ostenderet, ab eo rediit et, quod iudicium lege non erat, causam totam reliquit. Satisne vobis, iudices, videor ad singulos testes acce-

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<sup>a</sup> For the deposit to be provided by the prosecutor of a suit to the faith of his accusation. In case of a retrial the forfeit deposit might be doubled.

XXI. You have before you the honesty of the 49 man, the worth of his testimony and the whole cause of his hatred. He was released by Hermippus, when he had sold Hermippus a few slaves, and betook himself to Rome. He then returned to Asia after my brother had succeeded Flaccus. He went to him and reported the case as follows: The arbiters under compulsion of Flaccus and in fear had against their will given a false verdict. My brother in accordance with his justice and foresight decided that if Herachdes disputed the verdict he should have a new trial involving a doubling of the penalty,<sup>a</sup> and if he said the arbiters had been influenced by fear, he should have the same arbiters. He refused; and as if there had been no trial and verdict, he began to demand from Hermippus on the spot the slaves which he had sold him. Marcus Gratidius, the deputy before whom the case was heard, refused to grant him a trial; he showed that it was his wish that the judgement should stand. A second time Herachdes, who had no place 50 at all where he could stay, betook himself to Rome. Hermippus, who never yielded to his impudence, followed him. Heraclides asks of Gaius Plotius, a senator, an excellent man, who had been commissioner in Asia, certain slaves which he said he had been forced to sell when he was condemned as a debtor. Quintus Naso, a very distinguished man, who had been praetor, was selected as arbiter. When he made it clear that he was going to give his decision in favour of Plotius, Herachdes abandoned that arbiter and, because the business did not legally involve a court judgement, threw in the whole case. Do you think I have done well, *καὶ οὐ μὴν ἐκείνῳ* seek out the individual

dere neque, ut primo constitueram, tantum modo cum universo genere configere?

51 Venio ad Lysaniam eiusdem civitatis, pecuniarem tuum, Deciane, testem, quem tu cum ephēbum Temni cognosses, quia tum te nudus delectarat, semper nudum esse voluisti. Abduxisti Temno Apollonidem; pecuniam adulescentulo grandi fenore, fiducia tamen accepta, occupavisti. Hanc fiduciam commissam tibi dicis; tenes hodie ac possides. Eum tu testem spe recuperandi fundi paterni venire ad testimonium dicendum coegisti, qui quoniam testimonium nondum<sup>1</sup> dixit, quidnam sit dicturus exspecto. Novi genus hominum, novi consuetudinem, novi libidinem. Itaque etsi teneo quid sit dicere paratus, nihil tamen contra disputabo priusquam dixerit. Totum enim convertet atque alia finget. Quam ob rem et ille servet quod paravit, et ego me ad id quod adtulerit integrum conservabo.

52 XXII Venio nunc ad eam civitatem in quam ego multa et magna studia et officia contuli, et quam meus frater in primis colit atque diligit. Quae si civitas per viros bonos gravesque homines querellas ad vos detulisset, paulo commoverer magis. Nunc vero quid putem? Trallianos Maeandrio causam publicam commisisse, homini egenti, sordido, sine honore, sine existimatione, sine censu? Ubi erant illi Pytholoei, Archidemi, Epigoni, ceteri homines apud nos noti, inter suos nobiles, ubi illa magnifica et gloriosa ostentatio civitatis? Nonne esset pudicum, si hanc causam

<sup>1</sup> nondum supplied by Faein

<sup>a</sup> A town in Lydia

<sup>b</sup> A town in Caria on the Meander.

witnesses and not, as was my first intention, to come to grips only with the witnesses in general as a class ?

I come now to Lysania, of this same state, your 51 own special witness, Decianus. You knew him when he was a youth at Temnus, and because he delighted you then when he was stripped you wished him to be always naked. You took him from Temnus to Apollons.<sup>a</sup> You lent money to the youth at high interest but you first took a security. You say this security was forfeited to you. You hold and possess it to-day. You have compelled him to come here to give his testimony in the hope of regaining his ancestral estate. Since he has not yet given his testimony I await what he will say. I know the kind of man he is. I know his habits. I know his lust. So though I know what he is prepared to say, still I will not contradict him before he has spoken. For he will alter it all and invent something else. Therefore let him keep what he has prepared, and I will keep myself fresh for what he is going to produce.

XXII. I come now to that state to which I have 52 devoted much careful attention and many services—a state my brother especially cherishes and loves. If this state had reported its grievances to you through honourable and influential men, I should be a little more moved. But now what am I to think—that the people of Tralles<sup>b</sup> have entrusted the case of their state to Maeandrius, a poverty-stricken individual, of low caste, without distinction, without reputation, without property ? Where were the men like Pythodorus, Archidemus, Epigonus, and other men known to us and noble among their own people ? Where was that state's magnificent and glorious display ? Was it not a shame, if they were conducting

agerent severe, non modo legatum sed Trallianum omnino dici Maeandrium? Huic illi legato, huic publico testi patronum suum iam inde a patre atque maioribus, L. Flaccum, mactandum civitatis testimonio tradidissent? Non est ita, iudices, non est  
 53 profecto. Vidi ego in quodam iudicio nuper Philodorum testem Trallianum, vidi Parrhasium, vidi Archidemum, cum quidem idem hic mihi Maeandrius quasi ministrator aderat subiciens, quid in suos civis civitatemque, si vellem, dicerem. Nihil enim illo homine levius, nihil egentius, nihil inquinatius. Quare, si hunc habent auctorem Tralliani doloris sui, si hunc custodem litterarum, si hunc testem iniuriæ, si hunc auctorem querellarum, remittant spiritus, comprimant animos suos, sedent adrogantiam, fatcantur in Maeandri persona esse expressam speciem civitatis. Sin istum semper illi ipsi domi proterendum et conculcandum putaverunt, desinant putare auctoritatem esse in eo testimonio cuius auctor inventus est nemo.

XXIII. Sed exponam quid in re sit, ut quam ob rem ista civitas neque severe Flaccum oppugnarit neque  
 54 benigne defenderit scire possitis. Erat ei Castriciano nomine irata, de quo Cato respondit Hortensius; invita solverat Castricio pecuniam iam diu debitam. Hinc totum odium, hinc omnis offensio. Quo cum venisset Laelius ad iratos et illud Castricianum vulnus dicendo refricuisset, siluerunt principes neque in illa

this case in a strict manner, that Maeandrius should be called not only their envoy, but even a citizen of Tralles at all? Would they have delivered over Lucius Flaccus, their patron, as was his father and his ancestors before him, to this envoy, to this public witness, to be slaughtered by the evidence of their state? Not so, gentlemen, certainly not so. I saw lately, in a certain trial, Philodorus of Tralles acting as a witness. I saw Parrhasius, I saw Archidemus and indeed let me tell you this same Maeandrius was there, a sort of attendant instructor, suggesting to me against his own fellow-citizens and his state things that I might tell if I wished. For nothing is more fickle than that man, nothing more needy, nothing more filthy. Therefore, if the people of Tralles have this man to express their grief, to guard their records, to bear witness to their wrongs, to voice their complaints, let them check their haughty spirit, humble their pride, suppress their arrogance, let them admit that in the character of Maeandrius the true picture of their state is drawn. But if they themselves have always thought that he should be cast down and trampled under foot at home, let them cease to think that there is any weight in that evidence for which a nobody is found responsible.

XXIII. But I will show you what the trouble is, so that you may be able to understand why that state neither violently opposed Flaccus nor enthusiastically supported him. It was offended at him in the matter of a debt owed to Castricius. Hortensius has covered the whole case. The state had unwillingly paid Castricius money long due to him. From this came all the hatred and all the offence. When Laelius had come to the city of those disaffected men, and had reopened by his talk this wound caused by Castricius, the

contione adfuerunt neque istius decreti ac testimoni  
auctores esse voluerunt. Usque adeo oīa fuit ab  
optimatibus illa contio ut princeps principum esset  
Maeandrius ; cuius lingua quasi flabello seditionis illa  
55 tum est egentium contio ventilata. Itaque civitatis  
pudentis, ut ego semper existimavi, et gravis, ut  
ipsi existimari volunt, iustum dolorem querellasque  
cognoscite. Quae pecunia fuerit apud se Flacci patris  
nomine a civitatibus, hanc a se esse ablatam querun-  
tur. Alio loco quaeram quid leuerit Flacco ; nunc  
tantum a Trallianis requiro, quam pecuniam ab se  
ablatam queruntur, suamne dicant, sibi a civitatibus  
collatam in usum suum Cupio audire. " Non,"  
inquit, " dicimus " Quid igitur ? " Delatam ad nos,  
creditam nobis L. Flacci patris nomine ad eius dies  
56 festos atque ludos." Quid tum ? " Hanc te,"  
inquit, " capere non leuit." Iam id videro, sed  
primum illud tenebo. Queritur gravis, locuples,  
ornata civitas, quod non retinet alienum ; spoliata  
se dicit, quod id non habet quod eius non fuit. Quid  
hoc impudentius dici aut fingi potest ? Delectum  
est oppidum, quo in oppido uno pecunia a tota Asia  
ad honores L. Flacci poneretur. Haec pecunia tota  
ab honoribus translata est in quaestum et fae-  
nerationem ; recuperata est multis post annis.  
57 XXIV. Quae civitas facta est iniuria ? " At moleste  
fert civitas." Credo ; amissum est enim praeter spem

chief men were silent and did not attend that assembly, nor did they wish to be responsible for that vote and that testimony. That assembly was so deserted by the chief men that Maeandrius was the chief of the chiefs. That assembly of paupers was then swept by his tongue as by a fan of sedition. So listen to the just complaint and accusation of a state a decent city, as I have always thought, influential, as they themselves wish to be thought. The money from the states that was deposited with them in the name of Flaccus's father—this, they complain, was taken from them. At another point I shall raise the question of what power Flaccus had; now I am only asking of the people of Tralles what money this was which, according to their complaints, was abstracted. Do they say it was their own, contributed to them by the states for their own use? I wish to hear. "We say no," he says. What then? "It was given to us, entrusted to us in the name of Lucius Flaccus's father, for a festival and games in his honour." What then? "It was not lawful for you to take that money," he says. I will take up that point presently, but first I will emphasize this fact. A dignified, wealthy, honoured state is complaining because it does not keep what does not belong to it. It says it has been robbed because it does not have something which it never owned. What can be said or imagined more impudent? A town was selected in which to deposit money collected from all Asia for the honour of Lucius Flaccus. All this money was diverted from honouring him to gain and usury; many years later it was reclaimed. XXIV. What injustice has been done the state? "But the state does not like it." I suppose that is true, for profit was lost contrary to



quod erat spe devoratum lucium "At queritur." Impudenter facit; non enim omnia quae dolemus, eadem queri iure possumus. "At accusat verbis gravissimis" Non civitas, sed imperiti homines a Maeandrio concitati Quo loco etiam atque etiam facite ut recordemini quae sit temeritas multitudinis, quae levitas propria Graecorum, quid in contione seditiosa valeat oratio Hic in hac gravissima et moderatissima civitate, cum est forum plenum iudiciorum, plenum magistratuum, plenum optimorum virorum et civium, cum speculatur atque obsidet rostra vinde-  
 temeritatis et moderatrix officii curia, tamen quantos fluctus excitari contionum videtis! Quid vos fieri censetis Trallibus? An id quod Pergam? Nisi forte hae civitates existimari volunt facilius una se epistula Mithridatis moveri impellique potuisse ut amicitiam populi Romani, fidem suam, iura omnia officii humanitatisque violarent, quam ut filium testimonio laederent cuius patrem armis pellendum a suis moenibus  
 58 censuissent. Quare nolite mihi ista nomina civitatum nobilium opponere; quos enim hostis hac familia contempsit, numquam eosdem testes pertimescet. Vobis autem est confitendum, si consilium principum vestrae civitates reguntur, non multitudinis temeritate, sed optimatum consilio bellum ab istis civitatibus cum populo Romano esse susceptum; sin ille tum motus est temeritate imperitorum excitatus, patimini me delicta vulgi a publica causa

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<sup>a</sup> The platform from which the Roman magistrates addressed the people.

<sup>b</sup> This was the famous letter King Mithridates had dispatched to all the cities of Asia Minor—Pergamum and Tralles among the others—inciting them to kill the Roman citizens on an appointed day.

expectation which in anticipation had already been swallowed up. "But the state complains" The complaint is unjustified, for we cannot justly complain of everything which we dislike. "But it accuses him in the strongest terms." Not the state, but worthless men suborned by Maeandrius. At this point I warn you again and again to be sure that you remember the instability of a crowd, the fickleness that is ingrained in the Greeks, how influential is a seditious speech in an assembly. Here in this most dignified and well-regulated state, when the forum is full of cases in law courts, full of magistrates, full of the best men and citizens, when the senate-house—the enemy of rashness and the director of duty—watches and overshadows the rostra,<sup>a</sup> yet even here what waves of excitement do you see in the assemblies! What do you think happens at Tralles? Isn't it what happened at Pergamum? Unless perhaps these states wish it to be thought that they are more easily moved and could be more easily persuaded by a single letter of Mithridates<sup>b</sup> to violate the friendship of the Roman people, their own loyalty, all the laws of duty and humanity, than to injure by their testimony a son whose father they had voted to repel from their walls by force of arms. Therefore, do not cast in my teeth <sup>5</sup> the names of these noble states; for this family will never fear as witnesses those men whom they despised as enemies. But you must admit, if your states are ruled by the counsels of the leading men, that it was not by the rashness of the crowd, but by the counsel of the men of the highest rank, that these states undertook a war with the Roman people; but if that uprising was then instigated by the rashness of ignorant folk, then allow me to distinguish between the crimes

- 59 separare. XXV. "At enim istam pecuniam huic capere non licuit." Utrum vultis patri Flacco licuisse necne? Si licuit, sicuti certe licuit, ad eius honores collatam, ex quibus nihil ipse capiebat, patris pecuniam recte abstulit filius; si non licuit, tamen illo mortuo non modo filius sed quisvis heres rectissime potuit auferre. Ac tum quidem Tralliani cum ipsi gravi faenore istam pecuniam multos annos occupavissent, a Flacco tamen omnia quae voluerunt impetraverunt, neque tam fuerunt impudentes, ut id quod Laelius dixit dicere auderent, hanc ab se pecuniam abstulisse Mithridatem. Quis enim erat qui non sciret in ornandis studiosiorem Mithridatem quam in spo-
- 60 handis Trallianis fuisse? Quae quidem a me si, ut dicenda sunt, dicerentur, gravius ageam, iudices, quam adhuc egi, quantam Asiaticis testibus fidem habere vos conveniret, revocarem animos vestros ad Mithridatici belli memoriam, ad illam universorum civium Romanorum per tot urbes uno puncto temporis miseram crudelemque caedem, praetores nostros deditos, legatos in vincla coniectos, nominis prope Romani memoriam cum vestigio imperii non modo ex sedibus Graecorum, verum etiam ex litteris esse deletam. Mithridatem deum, illum patrem, illum conservatorem Asiae, illum Euhium, Nysium, Bac-
- 61 chum, Liberum nominabant. Unum atque idem erat tempus cum L. Flacco consuli portas tota Asia clauderetur, Cappadocem autem illum non modo recipiebat

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\* Euhius, a name derived from the Bacchic cry *εὐοί*, Nysius from Nysa, the fabled birthplace of Bacchus, and Liber are all appellations of Bacchus.

<sup>b</sup> Father of the defendant. The statement may be politely called a rhetorical exaggeration.

<sup>c</sup> A contemptuous term for Mithridates.

of the crowd and the cause of the state. XXV. " But he had no right to take that money " Would you be willing to admit that Flaccus's father had the right or not ? If it was his right, as it certainly was, then the son was within his rights in taking the money entrusted for honours in his father's name from which he himself got nothing : if it was not lawful for the father to take the money, yet after his death not only a son but any heir could take it with complete justification And then the people of Tralles, after they themselves had enjoyed the use of this money for many years at exorbitant interest, still received every concession they asked from Flaccus, nor were they so bold as to dare to say what Laelius said, that Mithridates had taken this money from them. For who was there who did not know that Mithridates was more anxious to honour the people of Tralles than to despoil them ? If I should say the things I ought to say, gentlemen, I would deal more severely than I have up to this point with the amount of credence you should give to the testimony of Asiatics. I would recall to your minds the memory of the war with Mithridates, that terrible and cruel slaughter of all the Roman citizens in so many cities at a single moment, our praetors betrayed, our ambassadors cast into chains, the memory almost of the Roman name with every trace of the government obliterated, not only from the settlements of the Greeks, but from written documents. They called Mithridates god, father, the saviour of Asia, Euhus, Nysius, Bacchus, Liber.<sup>a</sup> That was the very time when all Asia closed its gates to the consul Lucius Flaccus,<sup>b</sup> but not only received the Cappadocian<sup>c</sup> into its cities but even voluntarily

suis urbibus verum etiam ultio vocabat. Liceat haec nobis, si oblivisci non possumus, at tacere, liceat mihi potius de levitate Graecorum queri quam de crudelitate; auctoritatem isti habeant apud eos quos esse omnino noluerunt? Nam, quoscumque potuerunt, togatos interemerunt, nomen civium Romanorum quantum in ipsis fuit sustulerunt. XXVI. In hac igitur urbe se iactant quam oderunt, apud eos quos inviti vident, in ea re publica ad quam opprimendam non animus eis, sed vires defuerunt? Adspiciant hunc florem legatorum laudatorumque Flacci ex vera atque integra Graecia; tum se ipsi expendant, tum cum his comparent, tum, si audebunt, dignitati horum anteponant suam.

- 62 Adsunt Athenienses, unde humanitas, doctrina, religio, fruges, iura, leges ortae atque in omnes terras distributae putantur; de quorum urbis possessione propter pulchritudinem etiam inter deos certamen fuisse proditum est; quae vetustate ea est ut ipsa ex sese suos cives genuisse dicatur, et eorum eadem terra parens, alitrix, patria dicatur: auctoritate autem tanta est ut iam fractum prope ac debilitatum Graeciae nomen huius urbis laude nitatur. Adsunt Lacedaemonii, cuius civitatis spectata ac nobilitata virtus non solum natura corroborata verum etiam disciplina putatur; qui soli toto orbe terrarum septingentos iam annos amplius unis moribus et numquam mutatis legibus vivunt. Adsunt ex Achaia cuncta multi legati,

<sup>a</sup> Triptolemus first planted and cultivated wheat, Demeter's gift, in Attica.

<sup>b</sup> It was decided that the newly founded city was to have as its patron that god who could create the most useful gift for mortals. Poseidon created the horse, Athena the olive. The gods decided in Athens's favour and the city is called Athens.

invited him. Let it be permitted us, if we cannot forget these things, at least to be silent about them, let it be permitted me to speak rather of the fickleness of the Greeks than of their cruelty; should they have influence with these people whose very existence they did not desire? For they killed all the Roman citizens they could, they destroyed the Roman name so far as it was in their power. XXVI Should they now vaunt themselves in this city which they hate, in the presence of those whom they look upon with disgust, in a state for whose destruction they lacked not the will but the power? Let them look at this fair assemblage of delegates and supporters of Flaccus for the real and true Greece, then let them weigh themselves, compare themselves with these men, and, if they dare, prefer the rank they have to theirs.

Here present are men from Athens, where men 62 think humanity, learning, religion, grain,<sup>a</sup> rights, and laws were born, and whence they were spread through all the earth. For the possession of their city—because of its beauty—even the gods contended,<sup>b</sup> as the story goes. It is of such antiquity that it produced, so they say, its people from its own soil, and the same land is their mother, their nurse, and their country. It has, moreover, such renown that the now shattered and weakened name of Greece is supported by the reputation of this city. Men of Sparta 63 are here; the tried and famed valour of that state is thought to have been supported, not by nature only, but by discipline. They alone in the whole earth have lived for more than seven hundred years with customs unaltered and laws unchanged. Here are present from all Achaia many delegates, and delegates from

Boeotia, Thessalia, quibus locis nuper legatus Flaccus imperatore Metello praefuit. Neque vero te, Massilia, praetereo quae L. Flaccum tribunum militum<sup>1</sup> quaestoremque cognosti, cuius ego civitatis disciplinam atque gravitatem non solum Graeciae, sed haud scio an cunctis gentibus anteponendam dicam, quae tam procul a Graecorum omnium regionibus disciplinis linguaque divisa, cum in ultimis terminis cincta Gallorum gentibus barbariae fluctibus adluatur, sic optimatum consilio gubernatur ut omnes eius instituta laudare facilius possint quam aemulari.

64 Hisce utitur laudatoribus Flaccus, his innocentiae testibus, ut Graecis Graecorum auxilio resistamus.<sup>2</sup>

XXVII. Quamquam quis ignorat, qui modo umquam mediocriter res istas scire cuavit, quin tria Graecorum genera sint vere? Quorum uni sunt Athenienses, quae gens Ionum habebatur, Aeolis alteri, Doris tertii nominabantur. Atque haec cuncta Graecia, quae fama, quae gloria, quae doctrina, quae plurimis artibus, quae etiam imperio et bellica laude floruit, parvum quendam locum, ut scitis, Europae tenet semperque tenuit, Asiae maritimam oram bello superatam cinxit urbibus, non ut munitam colonis.

65 illam generatim, sed ut obsessam teneret. Quam ob rem quaeso a vobis, Asiatici testes, ut, cum recordari voletis quantum auctoritatis in iudicium adferatis, vosmet ipsi describatis Asiam nec quid alienigenae de vobis loqui soleant, sed quid vosmet ipsi de genere vestro statuatis, memineritis. Nam-

<sup>1</sup> *the mss. read militem the reading of the text, tribunum militum, is suggested by Sect. 101.*

<sup>2</sup> *the mss. read, ut auxilio resistamus. editors read*

Boeotia and from Thessaly, where Flaccus was lately lieutenant under the commander Metellus. Nor shall I fail to mention thee, Marseilles, who didst know Flaccus as military tribune and quaestor. I will say that the training and the dignity of that state deserve to be preferred, not only to Greece, but probably to all nations. Though it is far removed from all Greek territory, with a different training and speech, though it lies in a remote region, girt around by the tribes of Gaul and laved by the waves of savagery, still it has been so ruled by the wisdom of its best citizens that all men can more easily praise than imitate its regulated life. Their commendation Flaccus enjoys, 64 he has them to testify to his innocence—if I may oppose Greeks by the aid of Greeks.

XXVII. And yet who that has ever felt even a moderate desire to know about these things is ignorant that there are really three divisions of the Greek race? Of these the Athenians are one, they are considered to be of the Ioman race. The second are called Aeolians, the third Dorians. And all Greece which was so exalted in fame, glory, learning, in many an art and even governmental and military distinction, occupies and has always occupied, as you know, only a small part of Europe. It conquered the coast of Asia and girt it with cities, not to fortify it with colonies, ~~race~~ by race, but to keep it surrounded. Therefore, I pray you, witnesses of Asia, when you 65 wish to know truly how much influence you bring to the trial, remember that you yourselves must give Asia its reputation and remember, not what other nations are wont to say of you, but what you yourselves think

*either* Giaccis, *as du Mesnil*, or *Graecorum cupiditate*, *as Clark*.



que, ut opinor, Asia vestra constat ex Phrygia, Mysia, Caria, Lydia. Utrum igitur nostrum est an vestrum hoc proverbium, "Phrygem plagis fieri solere meliorem"? Quid? De tota Caria nonne hoc vestra voce vulgatum est, "si quid cum periculo experiri velis, in Care<sup>1</sup> id potissimum esse faciendum"? Quid porro in Graeco sermone tam tritum atque celebratum est quam, si quis despiciatur ducitur, ut "Mysorum ultimus" esse dicatur? Nam quid ego dicam de Lydia? Quis umquam Graecus comoediam scripsit in qua servus primarum partium non Lydus esset? Quam ob rem quae vobis fit iniuria, si statuerimus vestro nobis iudicio standum esse de vobis?

66 Equidem mihi iam satis superque dixisse videor de Asiatico genere testium; sed tamen vestrum est, iudices, omnia quae dici possunt in hominum levitatem, inconstantiam, cupiditatem, etiamsi a me minus dicuntur, vestris animis et cogitatione comprehendere.

XXVIII Sequitur auri illa invidia Iudaici. Hoc nimirum est illud quod non longe a gradibus Aurelius haec causa dicitur. Ob hoc crimen hic locus abs te, Laeli, atque illa turba quaesita est; scis quanta sit manus, quanta concordia, quantum valeat in contionibus. Sic submissa voce agam, tantum ut iudices audiant; neque enim desunt qui istos in me atque in optimum quemque incitent; quos ego, quo id facilius  
67 faciant, non adiuvabo. Cum aures Iudaeorum nomine quotannis ex Italia et ex omnibus nostris

<sup>1</sup> *Emendation of Erasmus, MSS. in Cariae.*

<sup>a</sup> The Greek proverb is ἐν τῷ Καρὶ ὁ κίνδυνος κινδυνεύεται (Plato, *Laches*, 187 B). It means that a Carian slave is so worthless that he may be risked in any experiment. Cf. "try it on the dog."

<sup>b</sup> Belonging to the Aurelian tribunal erected by Marcus

of your own race ? For, as I think, your Asia consists of Phrygia, Mysia, Caria, Lydia. Is, then, this proverb ours or yours ? " A Phrygian is usually improved by whipping " Then, again, has not this saying about all Caria been spread by your own lips ? " If you wish to run a risk in any experiment, you must, in doing so, use a Carian " for preference " Moreover, what is so well known and commonplace in the Greek language if anyone is spoken of with contempt, as to say, " He's the lowest of the Mysians " ? What shall I say about Lydia ? What Greek ever wrote a comedy in which the leading slave part was not taken by a Lydian ? So what injustice is done if we decide to take you at your own valuation ? Indeed, now I 66 think I have said enough and more than enough about Asiatic witnesses as a class ; but still it is your duty, gentlemen, to grasp with your own thoughts and imagination everything which can be said about the fickleness, irresponsibility, and greed of these men, since I have by no means said it all.

XXVIII. There follows the odium that is attached to Jewish gold. This is no doubt the reason why this case is being tried not far from the Aurelian Steps <sup>b</sup> You procured this place and that crowd, Laelius, for this trial. You know what a big crowd it is, how they stick together, how influential they are in informal assemblies. So I will speak in a low voice so that only the jurors may hear ; for those are not wanting who would incite them against me and against every respectable man. I shall not help them to do this more easily. When every year it was customary to 67 send gold to Jerusalem on the order of the Jews

Aurelius Cotta in the forum not far from the temple of Castor and Pollux—a favourite place for the Jews to congregate.

provinciis Hierosolimam exportari soleret, Placcus  
 sanxit edicto ne ex Asia exportari liceret. Quis est,  
 iudices, qui hoc non vere laudare possit? Exportari  
 aurum non oportere cum saepe antea senatus tum me  
 consule gravissime iudicavit. Huic autem barbarae  
 superstitioni resistere severitatis, multitudinem  
 Iudaeorum flagrantem non numquam in contio-  
 nibus prae re publica contemnere gravitatis sum-  
 mae fuit. "At Cn Pompeius captis Hierosolymis  
 68 victor ex illo fano nihil attigit" In primis hoc, ut  
 multa alia, sapienter; in tam suspiciosa ac maledica  
 civitate locum sermoni obtrectatorum non reliquit.  
 Non enim credo religionem et Iudaeorum et hostium  
 impedimento praestantissimo imperatori, sed pudorem  
 fuisse. Ubi igitur crimen est, quoniam quidem fur-  
 tum nusquam reprehendis, edictum probas, iudica-  
 tum fateris, quaesitum et prolatum palam non negas,  
 actum esse per viros primarios res ipsa declarat?  
 Apameae manifesto comprehensum ante pedes prae-  
 toris in foro expensum est auri pondo centum paulo  
 minus per Sex. Caesium, equitem Romanum, castis-  
 simum hominem atque integerrimum, Laodiceae  
 viginti pondo paulo amplius per hunc L. Peducaeam,  
 iudicem nostium, Adramyti. <sup>1</sup> per Cn. Domi-  
 69 tium legatum, Pergami non multum. Auri ratio  
 constat, aurum in aerario est; furtum non reprehen-  
 ditur, invidia quaeritur; a iudicibus oratio aver-

<sup>1</sup> a lacuna here of probably one word; Clark suggests c.

<sup>a</sup> Since the gold—in part at least—was to be used for the support of the Jewish Temple.

<sup>b</sup> A city in Phrygia next in commercial importance to Ephesus.

<sup>c</sup> The amount is lacking in the text.

from Italy and from all our provinces. Flaccus forbade by an edict its exportation from Asia. Who is there, gentlemen, who could not honestly praise this action? The senate often earlier and also in my consulship most urgently forbade the export of gold. But to resist this barbaric superstition<sup>a</sup> was an act of firmness, to defy the crowd of Jews when sometimes in our assemblies they were hot with passion, for the welfare of the state was an act of the greatest seriousness. "But Gnaeus Pompey when Jerusalem was captured laid his victorious hands on nothing in that shrine." In that he was especially wise—as in 68 many other matters. In a state so given to suspicion and calumny he left his critics no opportunity for gossip. But I do not think that illustrious general was hindered by the religious feelings of the Jews and his enemies, but by his sense of honour. Where, then, is the ground for an accusation against Flaccus, since, indeed, you never make any charge of theft, you approve his edict, you confess that there was judgement for debt, you do not deny the business was openly proposed and published, and the facts show it was administered by excellent men? At Apamea<sup>b</sup> a little less than a hundred pounds of gold was openly seized and weighed before the seat of the praetor in the forum through the agency of ~~Sextius~~ Caesius, a Roman knight, an upright and honourable man; at Laodicea a little more than twenty pounds by Lucius Peducaeus, our juror. At Adrarayttum . . .<sup>c</sup> by Gnaeus Domitius, the commissioner, at Pergamum a small amount. The accounting for the gold is correct. The gold is in the 69 treasury, no embezzlement is charged, it is just an attempt to fix odium on him. The plea is not addressed to the jury; the voice of the advocate is

vox in coronam turbamque effunditur. Sua cuique civitati religio. Laeli. est, nostra nobis. Stantibus Hierosolymis pacatisque Iudaeis tamen istorum religio saciorum a splendore huius imperii, gravitate nominis nostri, maiorum institutis abhorrebat, nunc vero hoc magis, quod illa gens quid de nostro imperio sentiat ostendit armis; quam cara dis immortalibus esset docuit, quod est victa, quod elocata, quod serva.

- 70 XXIX. Quam ob rem quoniam, quod crimen esse voluisti, id totum vides in laudem esse conversum, veniamus iam ad civium Romanorum querellas; ex quibus sit sane prima Deciani. Quid tibi tandem, Deciane, iniuriae factum est? Negotiaris in libera civitate. Primum patere me esse curiosum. Quo usque negotiari, cum praesertim sis isto loco natus? Annos iam triginta in foro versaris, sed tamen in Pergameno. Longo intervallo, si quando tibi peregrinari commodum est, Romam venis, adfers faciem novam, nomen vetus, purpuram Tyriam, in qua tibi invideo, quod unis vestimentis tam diu lautus es.
- 71 Verum esto, negotiari libet; cur non Pergami, Smyrnae, Tralibus, ubi et multi cives Romani sunt et ius a nostro magistratu dicitur? Otium te delectat, lites, turbae, praetor odio est, Graecorum libertate gaudes. Cur ergo unus tu Apollonidenses amantissimos populi Romani, fidelissimos socios, miseriores habes quam aut Mithridates aut etiam

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<sup>a</sup> At Apollonius Decianus would probably be less subject to Roman supervision than at Smyrna or Tralles.

directed to the attendant crowd and the mob. Each state, Lælius, has its own religious scruples, we have ours. Even while Jerusalem was standing and the Jews were at peace with us, the practice of their sacred rites was at variance with the glory of our empire, the dignity of our name, the customs of our ancestors. But now it is even more so, when that nation by its armed resistance has shown what it thinks of our rule; how dear it was to the immortal gods is shown by the fact that it has been conquered. let out for taxes, made a slave.

XXIX Therefore, since what you wished to be 70 a matter of accusation has been turned, as you see, entirely to a matter of commendation, let us come now to the complaints of the Roman citizens, of which let that of Decianus certainly be first. What injustice, pray, was done you, Decianus? You were trading in a free state. First, let me be inquisitive. How long will you continue in trade, especially since you were born in that station? For thirty years you were busy in the forum—but that was at Pergamum. After a long time—when perhaps it is your pleasure to travel abroad—you come to Rome, you bring us a new appearance, an old name, and Tyrian purple,—in this I envy you because you can be smartly dressed for so long in a single set of garments. But let that go. It is your pleasure to 71 be a trader: why not trade at Pergamum, Smyrna, Tralles, where there are many Roman citizens and the law is administered by our magistrates? Quiet delights you; strife, turmoil, a judge, are hateful; you like the freedom of the Greeks. Why, then, do you alone plague the people of Apollonis<sup>a</sup>—most devoted to the Roman people, most faithful allies—more than Mithridates or even your father ever did?

## CICERO

- pater tuus habuit umquam ? Cui his per te tui libertate sua, cui denique esse liberos non licet ? Homines sunt tota ex Asia frugalissimi sanctissimi, a Graecorum luxuria et levitate remotissimi, patres familias suo contenti, aratores, rusticani ; agros habent et natura perbonos et diligentia culturaque meliores. In hisce agris tu praedia habere voluisti. Omnino mallet, et magis erat tuum, si iam te crassi agri delectabant, hic alicubi in Crustumino aut in Capenati
- 72 paravisses<sup>a</sup> Verum esto ; Catonis est dictum " pedibus compensari pecuniam." Longe omnino a Tiberi ad Caicum, quo in loco etiam Agamemnon cum exercitu errasset, nisi ducem Telephum invenisset. Sed concedo id quoque ; placuit oppidum, regio delectavit
- XXX Emissas Amyntas est genere, honore, existimatione, pecunia princeps illius civitatis Huius socrum, mulierem imbecilli consilii, satis locupletem, pellexit Decianus ad sese et, cum illa quid ageretur, nesciret, in possessione praediorum eius familiam suam collocavit, uxorem abduxit ab Amynta praegnantem, quae peperit apud Decianum filiam, hodieque apud
- 73 Decianum est et uxor Amyntae et filia. Num quid harum rerum a me fingitur, Deciane ? Sciunt haec omnes nobiles, sciunt boni viri, sciunt denique nostri homines, sciunt mediocres negotiatores. Exsurge,

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<sup>a</sup> Both near Mt. Soracte a few miles north of Rome.

<sup>b</sup> As quoted here the phrase means, " more distant property is less expensive." What Cato seems to have meant is, " Money is made by activity." " Shoe leather counts."

<sup>c</sup> Eustathius on *Iliad*, i 59, gives the story. Agamemnon in search of Troy made a false landing. Telephus, who opposed the landing, was wounded by Achilles, who later

Why is it that you did not allow them to enjoy their freedom and to be in fact free? In all Asia they are the most thrifty and upright of men, freest from the extravagance and fickleness of the Greeks, householders content with their lot, tillers of the soil, dwellers in the fields. They have fields naturally very good and made better by care and cultivation. In this district you desired to have an estate. I would altogether have preferred—and it would have been more like you, if fertile fields were your delight—that you should have acquired an estate somewhere near here in Crustumium or Capena.<sup>a</sup> But let that pass. There is a saying of Cato. “Money is balanced by feet.”<sup>b</sup> It is a long way from the Tiber to the Caicus—a place where even Agamemnon would have lost his way with his army if he had not found Telephus to guide him.<sup>c</sup> But I concede this point too. The town was pleasing, the country delightful XXX. You should have purchased some of it. Amyntas is the leading man of that state, in birth, station, reputation, wealth. His mother-in-law, a woman of poor judgement, but quite rich, Decianus attached to himself by flattery, and while she was ignorant of what was being done he established his retainers in the possession of her estate; he took Amyntas’s wife from him. She was pregnant and gave birth to a daughter in Decianus’s home. To-day both Amyntas’s wife, and daughter are in Decianus’s house. I am not inventing any of these things, am I, Decianus? All the nobles know them, honest men know them, finally our own people know them, the petty traders know them. Bestir yourself, Amyntas, demand back healed the wound. Telephus then guided the Greeks to Ilium.



Amynta, repetē a Deciano non pecuniā, non praedia, socrum denique sibi habeat ; restituat uxorem, reddat misero patrī filiam. Membra, quae debilitavit lapidibus, fustibus, ferro, manus quas contudit, digitos quos confregit, nervos quos concidit, restituere non potest ; filiam, filiam inquam, aerumnoso patri,

74 Deciane, redde. Haec Flacco non probasse te mueris ? Cui, quaeso, tandem probasti ? Emptiones falsas, praediorum proscriptiones cum mulerculis aperta circumscriptione fecisti. Tutor his rebus Graecorum legibus adscribendus fuit ; Polemocratem scripsisti, mercenarium et administrum consiliorum tuorum. Adductus est in iudicium Polmociates de dolo malo et de fraude a Dione huius ipsius tutelae nomine. Qui concursus ex oppidis finitimis undique, qui dolor animorum, quae querella ! Condemnatus est Polemocrates sententis omnibus ; irritae venditiones, irritae proscriptiones. Num restituis ? Defers ad Pergamenos ut illi reciperent in suas litteras publicas praeclaras proscriptiones et emptiones tuas. Repudiant, reiciunt. At qui homines ? Pergameni, laudatores tui Ita enim mihi gloriari visus es laudatione Pergamenorum quasi honorem maiorum tuorum consecutus esses, et hoc te superiorem esse putabas quam Laelium, quod te civitas Pergamenā laudaret.

Num honestior est civitas Pergamena quam Smyrnaea ? Ne ipsi quidem dicunt.

<sup>a</sup> See Section 76.

<sup>b</sup> He was of equestrian, his father of senatorial rank.

from Decianus, not your money, not your estate, let him even keep your mother-in-law, but let him restore your wife, let him give the daughter back to her poor father. He cannot restore the limbs which he has maimed with stones, clubs, and fetters, the hands which he has crushed, the fingers which he has broken, the tendons which he has cut; the daughter, the daughter, I say, Decianus, give back to her grief-stricken father. Do you wonder you did not secure Flaccus's approval of these things? Whose approval, pray, did you secure? You made false sales, false notices of sales of estates in open fraud with weak-minded women. In these cases, according to Greek law, a guardian had to be appointed. You appointed Polemocrates, your hired servant, your tool to effect your plans. Polemocrates was brought to trial for conspiracy and fraud by Dio in the matter of this guardianship. What a crowd there was from all the near-by towns, what expressions of grief, what complaints against him! Polemocrates was declared guilty by all the votes. The sales were declared void, the notices of sale invalid. You did not make restitution, did you? You took the matter to the people of Pergamum, that they might enter in their public records your notable notices and sales. They refuse, they reject them. "But what men did this?" Men of Pergamum, the men who praised you. For you seemed to me to glory in the commendation of the men of Pergamum<sup>a</sup> as if you had attained the rank of your ancestors.<sup>b</sup> And in this you thought you were superior to Læchus because the citizens of Pergamum praised you. The state of Pergamum is not more honourable than Smyrna, is it? Not even the people of Pergamum themselves say that.

- 75 XXXI Vellēm tantum habere me otu, ut possem recitare psephisma Smyrnaeorum quod fecerunt in Castriciū mortuum, primum ut in oppidum introferretur, quod alius non conceditur, deinde ut ferrent ephebi, postremo ut imponeretur aurea corona mortuo Haec P Scipioni, clarissimo viro, cum esset Pergami mortuus, facta non sunt. At Castriciū quibus verbis, di immortales! "decus patriae, ornamentum populi Romani, florem iuventutis" appellant. Quare, Deciane, si cupidus es gloriae, alia ornamenta censeo quaeras; Pergameni te derise-
- 76 runt Quid? Tu ludi te non intellegebas, cum tibi haec verba recitabant: "clarissimum virum, praestantissima sapientia, singulari ingenio"? Mihi crede, ludebant. Cum vero coronam auream litteris imponebant, re vera non plus aurum tibi quam monedulae committebant, ne tum quidem hominum venustatem et facetias perspicere potuisti? Ipsi igitur illi Pergameni proscriptiones quas tu adferebas repudiaverunt. P. Orbius, homo et prudens et innocens, contra te omnia decrevit. XXXII. Apud P. Globulum, meum necessarium, fuisti gratiosior. Utinam
- 77 neque ipsum neque me paeniteret! Flaccum iniuria decrevisse in tua re dicis; adiungis causas inimicitiarum, quod patri L. Flacci aedih cūrali pater tuus tribunus plebis diem dixerit. At istud ne ipsi quidem patri Flacci valde molestum esse debuit, praesertim

<sup>1</sup> ipsi is Clark's suggestion Mommsen reads isti.

\* Introduced as an example of extravagant praise given by a Greek city to a commonplace citizen.

XXXI. I wish I had time to recite the decree of the 75  
people of Smyrna which they passed for Castricius<sup>a</sup>  
after his death, first that he should be brought into  
the city—a privilege not allowed others—secondly  
that young men should bear him, finally that a crown  
of gold should be placed on him even though he was  
dead. This was not done for Publius Scipio, that  
illustrious man, when he died at Pergamum. But for  
Castricius—ye immortal gods, what words did they  
use! They call him “The glory of his country, the  
ornament of the Roman people, the flower of the  
youth.” Wherefore, Decianus, if you are eager for  
glory I advise you to seek other laudations. The  
people of Pergamum have been making fun of you.  
Again, did you not know you were being derided 76  
when they used these words to describe you? “A  
most famous man, of outstanding wisdom, of unusual  
talent!” Believe me, they were making sport of you.  
But when they were putting a golden crown over the  
letters of the decree, they were really entrusting you  
with no more gold than they would bestow on a jack-  
daw. Could you not even then perceive the wit and  
the humour of the men? And so the people of  
Pergamum themselves repudiated the notices of sale  
which you brought for record. Publius Orbius, a  
gentleman of sense and honour, decided every case  
against you. XXXII. With Publius Globulus, my  
friend, you found more favour. Would that neither  
he nor I repented it now! You say Flaccus decided  
unfairly in your case. You add as reasons for his 77  
enmity that your father, when he was tribune of the  
people brought to trial Lucius Flaccus’s father, the  
curule ædile. But that should not have been very  
disagreeable even to the father himself of Flaccus,

## CICERO

cum ille cui dies dicta est praetor<sup>1</sup> postea factus sit et consul, ille qui diem dixit non potuerit privatus in civitate<sup>2</sup> consistere Sed si iustas inimicitias putabas, cur, cum tribunus militum Flaccus esset, in eius legione miles fuisti, cum tibi per leges militares effugere liceret iniquitatem tribuni? Cur autem praetor te, inimicum paternum, in consilium vocavit? Quae quidem quam sancte solita sint observari scitis omnes. Nunc accusamur ab iis qui in consilio nobis fuerunt.

78 "Decrevit Flaccus" Num aliud atque oportuit?  
 "In liberos." Num aliter censuit senatus? "In absentem." Decrevit, cum ibidem esses, cum prodire nolles; non est hoc in absentem, sed in latentem reum.

### *Senatus consultum et decretum Flacci*

Quid? Si non decrevisset, sed edixisset, quis posset vere reprehendere? Num etiam fratris mei litteras plenissimas humanitatis et aequitatis reprehensurus es? quas ea de muliere ad me datas apud Pataranos requisivit Recita.

### *Litterae Q. Ciceronis*

79 Quid? Haec Apollonidenses occasionem nacti ad Flaccum non<sup>1</sup> detulerunt, apud Orbium acta non sunt,

<sup>1</sup> non is the obvious correction, suggested by Lambinus.

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<sup>2</sup> This unintelligible digression is due to the unsatisfactory character of the mss.

especially since he who was thus brought to trial was later made praetor and consul, while he who indicted him could not remain in the state as a private citizen. But if you think the enmity was justified, why were you a soldier in Flaccus's legion when he was a military tribune, when by the military regulation you were allowed to escape the injustice of a tribune? Moreover, when he was praetor why did he make you, his own hereditary enemy, a member of his council? You all know, indeed, with what solemn care these rights are observed. Now we are being accused by those who were members of our council. "Flaccus 78 made a decree." There was nothing wrong in that, was there? "Against men of a free state." The senate did not vote otherwise, did it? "Against a man in his absence." He issued the decree when you were actually there, but you were unwilling to come forward. That is not against a man "in his absence" but against a defendant in hiding!

*The vote of the senate and the decree of Flaccus are read*

Very well. If he had not issued a particular decree but a general order, who could reasonably have found fault with him? For you will not criticize, will you, the letter of my brother filled with kindness and justice?—a letter about this woman which was written at Patara to me and which he demands. Read it.<sup>a</sup>

*The letter of Quintus Cicero is read*

Well then? Did not the people of Apollonis, taking 79 advantage of the opportunity, report these things to Flaccus, were they not acted on before Orbius, were

ad Globulum delata non sunt ? Ad senatum nostrum me consule nonne legati Apollonidenses omnia postulata de iniuriis unius Deciani detulerunt ? At haec praedia etiam in censu dedicavisti Mitto quod aliena, mitto quod possessa per vim, mitto quod convicta ab Apollonidensibus, mitto quod a Pergamenis repudiata, mitto etiam quod a nostris magistratibus in integrum restituta, mitto quod nullo iure neque re  
 80 neque possessione tua ; illud quaero, sintne ista praedia censui censendo, habeant ius civile, sint necne sint Mancipi, subsignari apud aerarium aut apud censorem possint. In qua tribu denique ista praedia censuisti ? Commisisti, si tempus aliquod gravius accidisset, ut ex isdem praediis et Apollonide et Romae imperatum esset tributum Verum esto, gloriosus fuisti, voluisti magnum agri modum censi, et eius agri qui dividi plebi Romanae non potest. Census es praeterea numeratae pecuniae  $\overline{\text{cxxx}}$ . Eam opinor tibi numeratam non esse abs te. Sed haec omitto. Census es Mancipia Amyntae neque huic ullam in eo fecisti iniuriam. Possidet enim ea Mancipia Amyntas. Ac primo quidem pertimuit, cum te audisset servos suos esse censum, rettulit ad iuris consultos. Constabat inter omnes, si aliena censendo Decianus sua facere posset, eum maxima habiturum esse . . .<sup>1</sup>

81 XXXIII. Habetis causam inimicitiarum, qua causa inflammatus Decianus ad Laelium detulerit

<sup>1</sup> a lacuna occurs here.

<sup>a</sup> About \$6500 or £1300.

they not reported to Globulus? When I was consul did not envoys of Apollonis refer to our senate all the claims arising from the injuries of Decianus alone? But you even returned these estates for assessment in the census. I say nothing of the fact that they belonged to others, nor that you occupied them by violence, nor that they were proved not to belong to you by the people of Apollonis, nor that they were refused by the people of Pergamum, nor that they were returned in their entirety by their magistrates, nor that you held them without any right of property or occupation; I ask only this: were those 80 estates subject to the census, did they have full legal status, were they transferable only by formal purchase or not, can they be formally registered at the treasury and with the censor? Moreover, under what tribe did you enter those estates in the census? You ran the risk of having taxes laid on these same estates both at Apollonis and Rome if a time of great difficulty had come. But let it pass. You were grandiose, you wished to be credited in the census with a great quantity of land, and land which cannot be divided up among the Roman commons. You had declared besides one hundred and thirty thousand sesterces<sup>a</sup> in cash. I think you never counted so many of your own. But I pass over that. You declared the slaves of Amyntas and in that you did him no wrong. For Amyntas does own these slaves. And indeed at first he was afraid when he heard that you had declared his slaves. He consulted the jurists. They all agreed that if Decianus could make other people's property his by declaring it he would have the greatest . . .

XXXIII. You now understand the cause of the 81 enmity which led Decianus to deliver to Laelius



hanc optimam accusationem. Nam ita questus est Laelius, cum de perfidia Deciani diceret "qui mihi auctor<sup>a</sup> fuit, qui causam ad me detulit, quem ego sum secutus, is a Flacco corruptus est, is me deseruit ac prodidit." Siccine tu auctor tandem eum cui tu in consilio fuisses, apud quem omnes gradus dignitatis tuae retinuisses, pudentissimum hominem, nobilissima familia natum, optime de re publica meritum in discrimen omnium fortunarum vocavisti? Scilicet, defendam Decianum, qui tibi in suspicionem nullo suo delicto venit.

- 82 Non est, mihi crede, corruptus. Quid enim fuit quod ab eo redimeretur? Ut duceret iudicium? Cui sex horas omnino lex dedit, quantum tandem ex his horis detraheret, si tibi morem gerere voluisset? Nimirum illud est quod ipse suspicatur. Invidisti ingenio subscriptoris tui, quod ornabat facile locum quem prenderat, et acute testes interrogabat; aut fortasse fecisset ut tu ex populi sermone excideres, idcirco Decianum usque ad coronam applicuisti. Sed, ut hoc veri simile est, haud veri simile Decianum a Flacco esse corruptum, ita scitote esse cetera, velut quod ait Apuleius, L. Flaccum sibi dare cupisse, ut a fide se abduceret, sestertium viciens. Et eum tu accusas avaritiae quem dicis sestertium viciens voluisse perdere? Nam quid emebat, cum te emebat? Ut ad se transires? Quam partem causae tibi daremus? An ut enuntiares con-

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<sup>a</sup> What positions is not known. Perhaps it refers to his army service with Laelius.

<sup>b</sup> About \$100,000 or £30,000.

this notable accusation For Laelius made this complaint when he was speaking of the perfidy of Decianus. "He who was my authority, who reported the case to me, whom I took as my guide, he was suborned by Flaccus, he deserted and betrayed me" Were you then, pray, responsible for causing Laelius to run the risk of losing all his fortune? You were in his counsel With him you held all your public positions<sup>a</sup> and he was a man of honour, a man of high nobility, a man who had served the state well Of course, I shall defend Decianus, whom you suspect through no fault of his own He was not corrupted, believe me. For what could be<sup>82</sup> procured from him? That he should prolong the trial? The law allowed only six hours for that. How much, pray, would he have taken from these hours if he had wished to humour you? Of course, what he suspects himself is that you are envious of the talent of your joint signatory, because he glibly performed the part which he had taken and questioned the witnesses shrewdly. Or perhaps he would have contrived that you might escape the criticism of the people, and so you steered Decianus toward the encircling crowd of listeners. But while this is quite likely, it is very unlikely that Decianus was suborned by Flaccus, and be sure that the other statements are equally false; as, for instance,<sup>83</sup> Apuleius's statement that Lucius Flaccus wished to give him two million sesterces<sup>b</sup> to break his oath. Do you accuse him of greed who, you say, wished to squander two million sesterces? For what was he buying when he was buying you, Decianus? Your allegiance to his side? What part of the case would we have given you? Or was it that you should

silia Laeli? "Qui testes ab eo prodirent? Quid? Nos non videbamus? Habitare una? Quis hoc nescit? Tabulas in Laeli potestate fuisse? Num dubium est? An ne vehemente, ne copiose accusares? Nunc facis suspicionem, ita enim dixisti ut nescio quid a te impetratum esse videatur.

- 84 XXXIV At enim Androni Sextilio gravis iniuria facta est et non ferenda, quod, cum esset eius uxor Valeria intestato mortua, sic egit eam rem Flaccus quasi ad ipsum hereditas pertineret. In quo quid reprehendas scire cupio. Quod falsum intenderit? Qui doces? "Ingenua," inquit, "fuit." O peritum iuris hominem! Quid? ab ingenuis mulieribus hereditates lege non veniunt? "In manum," inquit, "convenerat." Nunc audio; sed quaero, usu an coemptione? Usu non potuit; nihil enim potest de tutela legitima nisi omnium tutorum auctoritate deminui. Coemptione? Omnibus ergo auctoribus?
- 85 in quibus certe Flaccum fuisse non dices. Relinquitur illud quod vociferari non destitit, non debuisse, cum praetor esset, suum negotium agere aut mentionem facere hereditatis. Maximās audio tibi, L. Luculle, qui de L. Flacco sententiam laturus es, pro tua eximia liberalitate maximisque beneficiis in tuos venisse hereditates, cum Asiam provinciam consulari

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<sup>a</sup> Her name shows that she was of the Vāterian gens as was Flaccus. His claim was doubtless based on this kinship.

<sup>b</sup> By a marriage *in manum*, the wife comes into the legal possession of her husband. She stood in the same legal relation to him as a daughter.

<sup>c</sup> By a year's cohabitation (*usus*) a *coempticia* became a *free* married. Sale (*coemptio*) was a legal transaction by which a woman sold herself to a man and thereby became his legal wife.

disclose Laelius's plan, or what witnesses would come forward for him? Again, did we not see for ourselves? That you were living with him? Who does not know that? That the records were in Laelius's possession? Is there any doubt of that? Or was it that you should not press your charge with spirit and completeness? Now you are raising a suspicion, for you have spoken so that it seems as if he did obtain something from you.

XXXIV. "But a grave injustice and one not to be borne was done to Sextilius Andro, because when his wife, Valeria,<sup>a</sup> died intestate, Flaccus arranged the estate as if the inheritance belonged to him." In this matter I desire to know what you find amiss. That he made a false claim? How do you prove it? He says, "She was free-born." O learned jurist! What? Do not inheritances come by law from free-born women? "She had been married into his ownership,"<sup>b</sup> he says. Now I am hearing something; but, I ask, was the marriage by "cohabitation" or by sale?<sup>c</sup> In the case of a common-law marriage the inheritance was impossible, for nothing can be taken from an estate in the hands of trustees without the consent of all the trustees. By sale? Well then, was it with the approval of all trustees? You will certainly not say that Flaccus was among them! There 85 remains only this, which he has not ceased to utter at the top of his voice, that it was not fitting for him while he was praetor to forward his own interests and discuss inheritance. I hear that you, Lucius Lucullus, who are about to cast your vote on the case of Lucius Flaccus, gain very great legacies in return for your excellent liberality and great benefits done to your friends when you governed the province of Asia

imperio obtinēres. Si quis eas suas esse dixisset, concessisses? Tu, T. Vetti, si quae tibi in Africa venerit hereditas, usu amittes, an tuum nulla avaritia salva dignitate retinebis? At istius hereditatis iam Globulo praetore Flacci nomine petita possessio est. Non igitur impressio, non occasio, non vis, non tempus, non imperium, non secures ad iniuriam faciendam Flacci  
 86 animum impulerunt. Atque eodem etiam M. Lurco, vir optimus, meus familiaris, convertat aculeum testimonii sui; negavit a privato pecuniam in provincia praetorem petere oportere. Cur tandem, M. Lurco, non oportet? Extorquere, accipere contra leges non oportet, petere non oportere numquam ostendes, nisi docueris non licere. An legationes sumere liberas exigendi causa, sicut et tu ipse nuper et multi viri boni saepe fecerunt, rectum est, quod ego non reprehendo, socios video queri; praetorem, si hereditatem in provincia non reliquerit, non solum reprehendendum verum etiam condemnandum putas? XXXV. "Doti," inquit, "Valeria pecuniam omnem suam dixerat." Nihil istorum explicari potest, nisi ostenderis illam in tutela Flacci non fuisse. Si fuit, quae cumque  
 87 sine hoc auctore est dicta dos, nulla est. Sed tamen Lurconem, quamquam pro sua dignitate moderatus est in testimonio dicendo religio(se oratio)<sup>1</sup> suae, tamen iratum Flacco esse vidistis. Neque enim occultavit causam iracundiae suae neque reticendam putavit; questus est libertum suum Flacco prae-

<sup>1</sup> The mss. read religioni. Clark, following Bremius, reads orationi. Fruechtel suggests religiose orationi.

as proconsul If anyone had said these belonged to him, would you have given them up? You, Titus Vettius, if an inheritance shall come to you in Africa, will you forgo its enjoyment or will you keep it as your own, without greed and with no loss of prestige? But the possession of that inheritance was claimed in the name of Flaccus while Globulus was praetor. And so no force, no chance, no violence, no opportunity, no authority, no symbols of power, have prompted Flaccus to commit an act of injustice. And the 86 excellent Marcus Lurco, my friend, directs the sting of his testimony to the same point; he says a praetor should not seek money from a private citizen in his province. Why, pray, Marcus Lurco, should he not? He should not force it by torture, nor receive it contrary to the law; that he should not ask it you will never prove unless you prove that it is unlawful. Or is it right to accept free travelling-expenses while making an investigation, as you did lately and many good men have often done—a thing which I do not object to but I see the allies complain about it—and do you think that a praetor ought not only to be censured but even convicted, if he does not abandon an inheritance in his province? XXXV. He says, “Valeria had put all her property into her dowry.” That cannot at all be explained unless you show that she was not in the guardianship of Flaccus. If she was, any dowry assigned without his consent is invalid. But still you saw that Lurco was incensed at Flaccus 87. although, in keeping with his dignity, he consistently adopted a moderate tone in giving his testimony. For he did not conceal the cause of his anger nor did he think he should do so. he complained that his freedman had been condemned while Flaccus was

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tore esse damnatum. O condiciones miseras administrandarum provinciarum, in quibus diligentia plena simultatum est, negligentia vituperationum, ubi severitas periculosa est, liberalitas ingrata, sermo insidiosus, adsentatio perniciosa, fions omnium familiaris, multorum animus iratus, iracundiae occultae, blanditiae apertae, venientes praetores expectant, praesentibus inserviunt, abeuntes deserunt! Sed omittamus querellas, ne nostrum consilium in praetermittendis provinciis laudare videamur. Litteras misit de vilico P. Septimi, hominis ornati, qui vilicus caedem fecerat; Septimium ardentem iracundia videre potuistis. In Lurconis libertum iudicium ex edicto dedit; hostis est Lurco. Quid igitur? Hominum gratiosorum splendorumque libertis fuit Asia tradenda? An simultates nescio quas cum libertis vestris Flaccus exercet? An vobis in vestris vestrorumque causis severitas odio est, eandem laudatis, (89) cum de nobis iudicatis?

XXXVI. At iste Andro, spoliatus bonis, ut dicitis, 89 ad dicendum testimonium non venit. Quid si veniat? Decisionis arbiter C. Caecilius fuit, quo splendore vir, qua fide, qua religione! Obsignator C. Sextilius, Lurconis sororis filius, homo et pudens, et constans et gravis. Si vis erat, si fletus, si metus, si circumscriptio, quis actionem fieri, quis adesse istos coegit? Quid? Si ista omnis pecunia huic

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<sup>a</sup> Cicero refused a province both after his praetorship and after his consulship.

<sup>b</sup> The details of the dispute can only be inferred from Cicero's statement.

praetor Oh wretched state of our provincial administration, where devotion to duty breeds hatreds, carelessness breeds recriminations, where firmness is dangerous, kindness begets thanklessness; where talk is filled with treachery, affability with danger; where every man's appearance is friendly, the minds of many are full of anger; hatreds are concealed, flattery is open! they look with expectation for the praetors when they are coming; they are deferential to them while they are present; they desert them when they are leaving! But let us omit complaints lest we seem to be praising our own decision to refuse the government of a province.<sup>a</sup> Flaccus sent a letter about the 88 steward of an honourable gentlemen named Publius Septimius. This steward had committed a murder. You could see Septimius blazing with anger. Flaccus gave judgement against Lurco's freedman in accordance with the published code: Lurco is an enemy. What then? Was Asia to be surrendered to the freedmen of influential and powerful men? Or is Flaccus cherishing some sort of a grudge against your freedmen? Or do you hate firmness when it is employed against you and yours and extol it when you are pronouncing judgement on us?

XXXVI But this Andro who, as you say, was despoiled of his property, has not come to give his testimony. What if he should come? <sup>b</sup> Gaius Caecilius 89 was the referee of the settlement. What distinction, what honesty, what uprightness he had! The witness by seal was Gaius Scythius, the son of Lurco's sister, a man careful and staunch and influential. If there was violence, fraud, intimidation, misrepresentation, who forced the agreement or compelled them to attend the arbitration? Again, if all that money has



adulescentulo <sup>^</sup>L. Flacco reddita est, si petita, si redacta per hunc Antiochum, paternum huius adulescentis libertum seni illi Flacco probatissimum, videmur non solum avaritiae crimen effugere sed etiam liberalitatis laudem adsequi singularem? Communem enim hereditatem, quae aequaliter ad utrumque lege venisset, concessit adulescenti propinquo suo, nihil ipse attigit de Valerianis bonis. Quod statuerat facere adductus huius pudore et non amplissimis patrimonii copiis, id non solum fecit sed etiam prolixè cumulateque fecit. Ex quo intellegi debet eum contra leges pecunias non cepisse qui tam fuerit in hereditate concedenda liberalis.

- 90 At Falcidianum crimen est ingens; talenta quinquaginta se Flacco dicit dedisse. Audramus hominem. Non adest. Quo modo igitur dicit? Epistulam mater eius profert et alteram soror; scriptum ad se dicunt esse ab illo tantam pecuniam Flacco datam. Ergo is, qui si aram tenens iuraret, crederet nemo, per epistulam quod volet iniuratus probabit? At qui vii! Quam non amicus suis civibus! Qui patrimonium satis lautum, quod hic nobiscum conficere potuit, Graecorum convivis maluit dissipare. Quid attinuit relinquere hanc urbem, libertate tam praeclara carere, adire periculum navigandi? Quasi bona comens Romae non liceret. Nunc denique matriculae suae festinus filius, amulae minime suspiciosae, purgat se per epistulam, ut eam pecuniam quacum traiecerat non consumpsisse, sed Flacco dedisse videatur.

<sup>a</sup> The relationship of the defendant to this young Flaccus and his father is unknown.

<sup>b</sup> About \$60,000 or £12,000.

been restored to this youth Lucius Flaccus,<sup>a</sup> if it was demanded and repaid by the assistance of this Antiochus, the freedman of the young man's father, and one highly approved by the elder Flaccus, would it seem that we were not only escaping the charge of greed but even winning praise for exceptional liberality? For he gave up an inheritance, which by law had come jointly to them both, to a young relative of his, but he himself took no part of the Valerian estate. What he had decided to do, influenced by his modesty and not by the very large fortune of his patron, he not only did but he did it readily and generously. From this it should be understood that he, who was so generous in surrendering an inheritance, did not take money contrary to law.

But the accusation of Falcidius is overwhelming.<sup>9</sup> He says he gave Flaccus fifty talents.<sup>b</sup> Let us hear the man. He isn't here. Well, what did he say? His mother is bringing a letter and his sister another. They say he wrote to them that that large sum was given to Flaccus. And will this person, whom no one would believe if he took an oath with his hand on the altar, prove in this fashion by a letter what he wishes, unsworn? But what a man he is! How his fellow-citizens love him! He preferred to squander on banquets for the Greeks his considerable patrimony which he might have finished off here among us. Why was it necessary for him to leave this city, to be deprived of such glorious liberty, to take the risk of a voyage?—as if he could not devour his living at Rome. And, finally, the gay son excuses himself to his poor mother, a dear little old woman quite unsuspecting, in a letter, in order that it may not seem that he squandered that money with which he crossed the sea, but gave it to Flaccus! XXXVII. "But the

XXXVII. "At fructus isti Trallianorum Globulo praetore venierant; Falcidius emerat HS nongentis milibus.<sup>a</sup> Si dat tantam pecuniam Flacco, nempe idcirco dat ut rata sit emptio. Emit igitur aliquid quod certe multo pluris esset; dat de lucro, nihil  
 92 detrahit de vivo: minus igitur luci facit. Cur Albanum venire iubet, cur matri praeterea blanditur, cui epistulis et sororis et matris imbecillitatem aucupatur, postremo cur non audimus ipsum? Retinetur, credo in provincia. Mater negat. "Venisset," inquit, "si esset denuntiatus." Tu certe coegisses, si ullum firmamentum in illo teste posuisses; sed hominem a negotio abducere noluisti. Magnum erat ei certamen propositum, magna cum Graecis contentio; qui tamen, ut opinor, iacent victi. Nam iste unus totam Asiam magnitudine poculorum bibendoque superavit. Sed tamen quis tibi, Laeli, de epistulis istis indicavit? Mulieres negant se scire, qui sit. Ipse igitur ille tibi se ad matrem et sororem scripsisse narravit? An etiam scripsit oratu  
 93 tuo? At vero M. Aebutium, constantissimum et pudentissimum hominem, Falcidi affinem, nihil interrogas, nihil eius generum pari fide praeditum, C. Manilium? Qui profecto de tanta pecunia, si esset data, nihil audisse non possent. His tu igitur epistulis, Deciane, recitatis, his mulierculis productis, illo absente auctore laudato tantum te crimen proba-

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<sup>a</sup> About \$45,000 or £9,000. Buying the taxes means buying the privilege of collecting the taxes.

taxes of Tralles had been sold when 'Globulus was praetor; Falcidius bought them for nine hundred thousand sesterces.<sup>a</sup> " If he gave so much<sup>b</sup> money to Flaccus, of course, he gave it to bind his bargain. For he was buying something that would be certainly worth much more. He made that payment out of his profits. He took nothing from his principal. He was therefore only making a smaller profit. Why 92 did he give orders to sell his estate at Alba? Why, moreover, does he wheedle his mother? Why in his letters is he taking advantage of the weakness of his sister and his mother? Finally, why do we not hear him himself? He is detained in the province, I suppose. His mother denies that. "He would have come," she says, "if a summons had been sent him." You certainly would have compelled his attendance if you had placed any reliance on that witness, but you did not wish to interrupt his business. He had a great contest ahead of him, a great rivalry with the Greeks, but they, as I think, are down and done for. For this man alone outdid all Asia in the size of his cups and in his drinking. But who told you about these letters, Laelius? The women say that they do not know who it is. Did he therefore himself tell you that he had written to his mother and sister? Or did he write at your request? Did you 93 not question Marcus Aebutius, a most trustworthy and honourable gentleman, a relative of Falcidius, did you not question Gaius Manlius, his son-in-law—a man of equal fidelity to truth? These men certainly could not have failed to hear about so large an amount if it was given. Did you think, Decianus, by the recital of these letters, by producing these poor women as witnesses, that you would prove so serious a charge in

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turum pulasti, praesertim cum ipse non deducendo Falcidium iudicium feceris plus falsam epistulam habituram ponderis quam ipsius praesentis fictam vocem et simulatum dolorem ?

- 94 Sed quid ego de epistulis Falcidi aut de Androne Sextilio aut de Deciani censu tam diu disputo, expostulo, de salute omnium nostrum, de fortunis civitatis, de summa re publica taceo ? quam vos universam in hoc iudicio vestris, vestris inquam, amicis iudices, sustinetis Videtis quo in motu temporum, quanta in conversione rerum ac perturbatione versemur XXXVIII. Cum alia multa certi homines, tum hoc vel maxime moluntur ut vestrae quoque mentes, vestra iudicia, vestrae sententiae optimo cuique infestissimae atque inimicissimae reperiantur Gravia iudicia pro rei publicae dignitate multa de conuratorum scelere fecistis Non putant satis conversam rem publicam, nisi in eandem impiorum poenam optime meritos cives detruserint. Oppressus est
- 95 C Antonius. Esto ; habuit quandam ille infamiam suam ; neque tamen ille ipse, pro meo iure dico, vobis iudicibus damnatus esset, cuius damnatione sepulcrum L. Catilinae floribus ornatum hominum audacissimorum ac domesticorum hostium conventi epulisque celebratum est. Iusta Catilinae facta sunt ; nunc a Flacco Lentuli poenae per vos expetuntur. Quam potestis P. Lentulo, qui vos in complexu libero-

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<sup>a</sup> Cicero's colleague in the consulship.

<sup>b</sup> As a traitor Catiline was not entitled to burial. Cicero's argument is that the friends of Catiline are now trying to secure the conviction and punishment on some charge or

the absence of that bepraised author, especially when you yourself by not producing Falcidius have created the opinion that a forged letter will have more weight than the hypocritical voice and pretended grief of the man present in person ?

But why, I ask, do I say so much about the 94 letters of Falcidius or about Sextilius Andro and the census returns of Decianus, while I am silent on the question of our universal safety, the future of the state, the highest interests of the republic, all of which you, gentlemen, in this trial, are carrying on your shoulders, —you, I say. You see in what uncertain times, in what turmoil and confusion, we are living. XXXVIII. Certain people are full of these schemes, but this is their aim in particular, that your intentions, your decisions, your votes may be found most inimical and most hostile to all respectable citizens. You have made many notable decisions worthy of our national dignity regarding the crime of the conspirators. They do not think the state is sufficiently overturned unless they have involved the most deserving citizens in the same punishment with the criminals. Gaius Antonius<sup>a</sup> has been laid low. So be it. He did have a certain 95 ill fame of his own. Still he would not have been convicted if you had been his jurors (I have a good right to say it). When he was condemned, the grave of Lucius Catiline was adorned with flowers and was the scene of a banquet and a gathering of men most bold, the enemies of their country. Funeral rites have been performed for Catiline<sup>b</sup>; now through you the attempt is being made to visit Lentulus's punishment on Flaccus. How can you make a more other of Cicero's friends in revenge for each of the convicted conspirators.

rum coniugumque vestrarum trucidatos incendio patriae sepelire conatus est, mactare victimam gratiorem quam si L. Flacci sanguine illius nefarium in nos  
 96 omnes odium saturaveritis? Litemus igitur Lentulo, parentemus Cethego, revocemus eiectos; nimiae pietatis et summi amoris in patriam vicissim nos poenas, si ita placet, sufferamus. Nos iam ab indicibus nominamur, in nos crimina finguntur, nobis pericula comparantur. Quae si per alios agerent, si denique per populi nomen civium imperitorum multitudinem concitassent, aequiore animo ferre possemus, illud vero ferri non potest, quod per senatores et per equites Romanos, qui haec omnia pro salute omnium communi consilio, una mente atque virtute gesserunt, harum rerum auctores, duces, principes spoliari omnibus fortune atque civitate expelli posse arbitrantur. Etenim populi Romani perspiciunt eandem mentem et voluntatem; omnibus rebus quibus potest populus Romanus significat quid sentiat; nulla varietas est inter homines opinionis, nulla volun-  
 97 tatis, nulla sermonis. Quare, si quis illuc me vocat, venio; populum Romanum disceptatorem non modo non recuso sed etiam depono. Vis absit. ferrum ac lapides removeantur, operae facessant, servitia sileant; nemo erit tam iniustus qui me audierit, sit modo liber et civis, quin potius de praemiis meis quam de poena cogitandum putet.

XXXIX. Odi immortales! Quid hoc miserius? Nos qui P. Lentulo ferrum et flammam de manibus extor-

pleasing sacrifice to Publius Lentulus, who tried to slay you in the embrace of your children and your wives and to bury you in a holocaust of the country, than by glutting his accused hatred for us all with the blood of Lucius Flaccus? So let us propitiate 96 Lentulus with an offering, let us offer a sacrifice of atonement to Cethegus, let us recall the exiles; let us in our turn, if it is your pleasure, pay the penalty for too great devotion and supreme love for our fatherland! We are already named by informers, accusations are being invented against us, perils are being prepared for us. If others were their agents, if the name of the Roman people had been used to excite the crowd of ignorant citizens, we could bear it with greater equanimity, but it is intolerable to believe that senators and knights of Rome, who with a common counsel, united purpose, and courage have done all these things for the common safety, should be able to despoil of all their fortunes and drive from the state the prime movers, leaders and actors in these transactions. For they see that the Roman people have the same purpose and wish; in every way that it can the Roman people shows what it thinks, men are unanimous in opinion, wish and expression. So if anyone summons me thither, I come. 97 I do not refuse to be judged by the Roman people. I even demand it. Let there be no violence, no recourse to knives and stones, let the day-labourers withdraw, let the slaves be quiet. No one who will hear me will be so unjust—provided only he is a free man and a citizen—as to think I should be punished. He will rather think I should be rewarded.

XXXIX. O immortal gods, what is worse than this? We who wrenched the sword and torch from the hands



simus, imperitiae multitudinis iudicio confidimus, lectis-  
 simorum civium et amplissimorum sententias perti-  
 98 mescimus? M'. Aquilium patres nostri multis avaritiae  
 criminibus testimoniusque convictum, quia cum fugi-  
 tivis fortiter bellum gesserat, iudicio liberaverunt.  
 Consul ego nuper defendi C. Pisonem, qui, quia consul  
 fortis constansque fuerat, incolumis est rei publicae  
 conservatus. Defendi item consul L. Murenam,  
 consulem designatum. Nemo illorum iudicum claris-  
 simis viris accusantibus audiendum sibi de ambitu  
 putavit, cum bellum iam gerente Catilina omnes me  
 auctore duos consules Kalendis Ianuarius scirent esse  
 oportere. Innocens et bonus vir et omnibus rebus  
 ornatus bis hoc anno me defendente absolutus est,  
 A. Thermus. Quanta rei publicae causa laetitia  
 populi Romani, quanta gratulatio consecuta est!  
 Semper graves et sapientes iudices in rebus iudicandis  
 quid utilitas civitatis, quid communis salus, quid rei  
 99 publicae tempora poscerent, cogitaverunt. Cum  
 tabella vobis dabitur, iudices, non de Flacco dabitur  
 solum, dabitur de ducibus<sup>a</sup> auctoribusque conservan-  
 dae civitatis, dabitur de omnibus bonis civibus, dabi-  
 tur de vobismet ipsis, dabitur de liberis vestris, de  
 vita, de patria, de salute communi. Non iudicatis  
 in hac causa de exteris nationibus, non de sociis, de  
 100 vobis atque de vestra re publica iudicatis. XL. Quod-  
 si provinciarum vos ratio magis movet quam vestra,  
 ego vero non modo non recuso, sed etiam postulo  
 ut provinciarum auctoritate moveamini. Etenim

<sup>a</sup> If Murena had been disqualified only a single consul would have taken office on January first 62 B.C.<sup>7</sup>

<sup>b</sup> Unknown.

of Publius Lentulus,<sup>1</sup> we who trusted the judgement of the ignorant mob, do we fear the votes of these choice spirits, these men of dignity and substance? Our ancestors cancelled the sentence against Mamus 98 Aquilus, who had been convicted of extortion on many charges by many witnesses, because he had fought bravely against runaway slaves. Lately when consul I defended Gaius Piso; he was preserved for the state uncondemned because he had been a courageous and steadfast consul. While consul I defended Lucius Murena also—the consul-elect. Though his accusers were men of great eminence, no one of the jurors thought he should listen to the charge of bribery, for Catiline was already making war, and at my suggestion all decided that there must be two consuls on the first of January <sup>a</sup>. Aulus Thermus,<sup>b</sup> an innocent and upright man, distinguished in every way, on my defence was twice acquitted this year. What joy the people of Rome felt for our state, what congratulations followed! Sober and wise jurors in deciding cases have always considered what the interest of the state, the common safety, the experiences of the republic, demanded. When the ballot shall be given you, 99 gentlemen, it will not be a ballot to vote on Flaccus alone, but on the leaders and the authors of the national safety, on all good citizens, on you yourselves, on your children, on your lives, the fatherland, and the safety of us all. You are not deciding in this case about foreign nations, nor your allies, you are deciding about yourselves and your own country. XL. But if the interests of the provinces influence 100 you more than your own, I do not only not refuse but I even demand that you be moved by the influence of the provinces. For to the province of Asia, in the

opponemus Asiae provinciae primum magnam partem eiusdem provinciae quae pro huius periculis legatos laudatoresque misit, deinde provinciam Galham, provinciam Ciliciam, provinciam Hispaniam, provinciam Cretam, Graecis autem Lydis et Phrygibus et Mysis obsistent Massilienses, Rhodii, Lacedaemonii, Athenienses, cuncta Achaia, Thessalia, Boeotia; Septimio et Caelio testibus P. Servilius et Q. Metellus huius pudoris integritatisque testes repugnabunt; Asiaticae iuris dictioni urbana iuris dictio respondebit; annui temporis criminationem omnis aetas L. Flacci et perpetua vita defendet. Et, si prodesse L. Flacco, iudices, debet, quod se tribunum militum, quod quaestorem, quod legatum imperatoribus clarissimis, exercitibus ornatissimis, provinciis gravissimis dignum suis maioribus praestitit, prosit quod hic vobis videntibus in periculis communibus omnium nostrum sua pericula cum meis coniunxit, prosint honestissimorum municipiorum coloniarumque laudationes, prosit etiam senatus populi que Romani praeclara et vera laudatio. O nox illa quae paene aeternas huic urbi tenebras attulisti, cum Galli ad bellum, Catilina ad urbem, coniurati ad ferum et flammam vocabantur, cum ego te, Flacce, caelum noctemque contestans flens flentem obtestabar, cum tuae fidei optimae et spectatissimae salutem urbis et civium commendabam! Tu tuin, Flacce, praetor communis exitii nuntios cepisti, tu inclusam in litteris rei publicae

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<sup>a</sup> The night on which Flaccus arrested the Allobroges and seized the letters which made possible the conviction of the conspirators.

first place, we shall oppose a large part of the same province which has sent delegates and advocates to assist Flaccus in his perils, and next the provinces of Gaul, Cilicia, Spain, and Crete. Moreover, the Greeks of Lydia, Phrygia, and Mysia will be opposed by the Greeks of Marseilles, Rhodes, Sparta, Athens, all Achaia, Thessaly, Boeotia. Against the witnesses Septimius and Caelius there will be arrayed Publius Servilius and Quintus Metellus, witnesses of his modesty and honesty; the administration of justice at Rome will be set against the administration of justice in Asia. The entire career and the whole life of Lucius Flaccus will defend him against the accusations involving a single year. And 101 if it ought to be counted in favour of Lucius Flaccus that he has shown himself worthy of his ancestors as a military tribune, as quaestor, as lieutenant to the most famous generals, in the most distinguished armies, in most important provinces, let it also be counted in his favour that here under your own eyes, in the common perils of us all, he has shared my dangers with me. Let the praise of the most honourable towns and colonies be counted in his favour, as well as the loud and sincere praise of the senate and the Roman people. Think of that night 102 which almost brought eternal darkness to this city, when the Gauls were invited to war, Catiline to the city, and the conspirators to sword and fire, when, invoking heaven and night, I adjured you, Flaccus, with tears, and with tears you heard me when I entrusted to your glorious and well-tried loyalty the safety of the city and the citizens! Then you, Flaccus, the praetor, seized the messengers of our common destruction, you captured the letters and the curse to

pestem deprehendisti, tu periculorum indicia, tu salutis auxilia ad me et ad senatum attulisti. Quae tibi tum gratiae sunt a me actae, quae ab senatu, quae a bonis omnibus! Quis tibi, quis C. Pomptino, fortissimo vir<sup>8</sup>, quemquam bonum putaret umquam non salutem, verum honorem ullum denegatum? O Nonae illae Decembres quae me consule fuistis! quem ego diem vere natalem huius urbis aut certe  
 103 salutarem appellare possum. XLI. O nox illa quam iste est dies consecutus, fausta huic urbi, miserum me, metuo ne funesta nobis! Qui tum animus L. Flacci (nihil enim dicam de me), qui amor in patriam, quae virtus, quae gravitas exstitit! Sed quid ea commemoro quae tum cum agebantur uno consensu omnium, una voce populi Romani, uno orbis terrae testimonio in caelum laudibus efferebantur? Nunc vereor ne non modo non prosint verum etiam aliquid obsint. Etenim multo acriorem improborum interdum memoriam esse sentio quam bonorum. Ego te, si quid gravius acciderit, ego te, inquam, Flacce, prodidero. Mea dextera illa, mea fides, mea promissa, cum te, si rem publicam conservaremus, omnium bonorum praesidio quoad viveres non modo munitum sed etiam ornatum fore pollicebar. Putavi, speravi, etiamsi honos noster vobis vilior fuisset,  
 104 salutem certe caram futuram. Ac L. Flaccum quidem, iudices, si, quod di immortales omen avertant, gravis iniuria affligerit, numquam tamen prospexisse vestrae saluti, consulisse vobis, liberis, coniugibus,

<sup>a</sup> Flaccus's associate in the arrest of the Allobroges.

<sup>b</sup> The night when Lentulus and the other conspirators were arrested.

<sup>c</sup> The night of the arrest. The evidence was given to the senate the next day.

the state contained in them. You brought the proofs of our danger, the means of our salvation to me and to the senate. What thanks were given then to you by me, by the senate, by all the upright! Who would ever think that any honourable man would refuse, not acquittal, but any honour to you and to Gaius Pomptinus,<sup>a</sup> a very brave man. Oh that fifth of December<sup>b</sup> in my consulship! That day I can truly call the birthday of this city, or at least the day of its salvation. XLI. Think of that night<sup>c</sup> preceding 103 that day—fortunate for this city but (woe is me!) fatal, I fear, for us! What spirit had Lucius Flaccus then (for I will say nothing of myself), what love of country, what valour, what steadfastness! But why do I speak of these things which at the time they were done were praised to the skies by the common consent of all, by the unanimous voice of the Roman people, by the testimony of the whole world? Now I fear that, far from counting in Flaccus's favour, they may somewhat injure him. For I know that sometimes the memory of evil men is much keener than that of good men. It is I, Flaccus, I, I say, who will have ruined you if anything goes amiss. Mine was the pledge, mine the assurance, mine the guarantee when I solemnly promised that if we saved the state, so long as you lived you would not only be guarded but even honoured by the protection of all respectable men. I have thought, I have hoped, even if our honour was cheaper in the sight of you all, that at least our safety would be assured. And indeed, gentlemen, if a grave 104 injustice should be done to Lucius Flaccus (and may the immortal gods avert the omen), he still will never regret that he took measures for your preservation, that he took counsel for you, your children, your wives,

## CICERO

fortunis vestris paenitebit ; semper ita sentiet, talem se animum et generis dignitati et pietati suae et patriae debuisse : vos ne paeniteat tali civi non pepercisse, per deos immortales, iudices, providete. Quotus enim quisque est qui hanc in re publica sectam sequatur, qui vobis, qui vestri similibus placere cupiat, qui optimi atque amplissimi cuiusque hominis atque ordinis auctoritatem magni putet, cum illam viam sibi videant expeditiorem ad honores et ad omnia quae concupiverunt ?

XLII. Sed cetera sint eorum ; sibi habeant potentiam, sibi honores, sibi ceterorum commodorum summas facultates ; liceat us qui haec salva esse  
105 voluerunt ipsis esse salvis. Nolite, iudices, existimare eos quibus integrum est, qui nondum ad honores accesserunt, non expectare huius exitum iudicii. Si L. Flacco tantus amor in bonos omnes, tantum in rem publicam studium calamitati fuerit, quem posthac tam amentem fore putatis qui non illam viam vitae quam ante praecipitem et lubricam esse ducebat, huic planae et stabili praeponendam esse arbitretur ? Quodsi talum civium vos, iudices, taedet, ostendite ; mutabunt sententiam qui poterunt ; constituent quid agant, quibus integrum est ; nos qui iam progressi sumus, hunc exitum nostrae temeritatis feremus. <sup>¶</sup> Sin hoc animo quam plurimos esse vultis, declarabitis hoc  
106 iudicio quid sentiatis. Huic misero puero vestro ac liberorum vestrorum supplici, iudices, hoc iudicio vendi praecepta dabit. Cui si patrem conservatis, qualis ipse debeat esse civis praescribetis ; sin eripitis,

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\* Flaccus's son, introduced to arouse the sympathy of the jury.

and your fortunes. He will always believe this—that he owed such a duty to the dignity of his family, to the honour of himself and his country. Set to it, gentlemen, by the immortal gods, that you be not ashamed for failing to spare such a citizen. For how many are there who are followers of that party in the state, who desire to please you and men like you, who regard the influence of every notable and influential man and of every order as of great importance, when they see that here is a shorter way for them to office and everything else which they covet?

XLII. But let them have everything else; let them keep their power, their offices, their complete control of other advantages, but let those who wished to save the state, themselves be safe. Do not think, gentlemen, 105 that these who are unattached to any party, who have not yet attained to office, are not awaiting the outcome of this trial. If such great affection for all good men, such devotion to the senate, shall bring disaster on Lucius Flaccus, who will there be, do you imagine, hereafter so foolish as not to think he should prefer that way of life, which he had before considered treacherous and slippery, to the straight and narrow path? But if you are weary of citizens of this type, gentlemen, declare it; those who can will change their rule of life, those who are unattached to any party will decide what to do, we who are already well along in our careers will endure the consequences of our thoughtlessness. But if you wish as many as possible to be of this type, you will show in this trial what you think. To this poor 106 lad, a suppliant to you and your children, you will give, gentlemen, by this trial a rule of life. If you acquit his father, you will show him what sort of citizen he should himself be. But if you take his



## CICERO

ostendetis bonae rationi et constanti et gravi nullum a vobis fructum esse propositum. Qui vos, quoniam est id aetatis ut sensum iam percipere possit ex maerore patrio, auxilium nondum patri ferre possit, orat ne suum luctum patris lacrimis, patris maerorem suo fletu augeatis ; qui etiam me intuetur, me vultu appellat, meam quodam modo flens fidem implorat ac repetit eam quam ego patri suo quondam pro salute patriae sponderim dignitatem. Miseremini familiarum, iudices, miseremini fortissimi patris, miseremini filii ; nomen clarissimum et florentissimum vel generis vel vetustatis vel hominis causa rei publicae servate.

father from him, you will show that you are offering no regard for a plan of life that is upright, steadfast, and honourable. He now begs you not to increase his grief by his father's tears, nor his father's sorrow by his weeping; for he is of an age to suffer for his father's grief but not to help his father. See, he turns to me, he looks at me appealingly and, in a way, he weeping calls on my honour, and asks for that place of distinction which I promised formerly to his father for saving our native land. Have pity, gentlemen, on the family, have pity on this most courageous father, have pity on the son; for the sake of the family, for the sake of its ancient lineage, for the sake of the man himself, preserve for the state a most illustrious and glorious name.



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